

# TSD File Inventory Index

Date October 28, 2004

Initial CMK/mao

Facility Name <u>Sybil, Inc.</u>	
Facility Identification Number <u>MIR 000 022 400</u>	
A.1 General Correspondence <u>A.1.1</u>	B.2 Permit Docket (B.1.2)
A.2 Part A / Interim Status	1 Correspondence
1 Correspondence	2 All Other Permitting Documents (Not Part of the ARA) <u>B.1.8</u>
2 Notification and Acknowledgment	C.1 Compliance - (Inspection Reports)
3 Part A Application and Amendments	C.2 Compliance/Enforcement <u>C.2(2)</u>
4 Financial Insurance (Sudden, Non Sudden)	1 Land Disposal Restriction Notifications
5 Change Under Interim Status Requests	2 Import/Export Notifications
6 Annual and Biennial Reports	C.3 FOIA Exemptions - Non-Releasable Documents <u>C.3(2)</u>
A.3 Groundwater Monitoring	D.1 Corrective Action/Facility Assessment
1 Correspondence	1 RFA Correspondence
2 Reports <u>A.3.4</u>	2 Background Reports, Supporting Docs and Studies
A.4 Closure/Post Closure	3 State Prelim Investigation Memos
1 Correspondence	4 RFA Reports
2 Closure/Post Closure Plans, Certificates, etc	D.2 Corrective Action/Facility Investigation
A.5 Ambient Air Monitoring	1 RFI Correspondence
1 Correspondence	2 RFI Workplan
2 Reports	3 RFI Program Reports and Oversight
B.1 Administrative Record	4 RFI Draft /Final Report

Total - 8

5 RFI QAPP		7 Lab data Soil Sampling/Groundwater	
6 RFI QAPP Correspondence		8 Progress Reports	
7 Lab Data, Soil-Sampling/Groundwater		D.5 Corrective Action/Enforcement	
8 RFI Progress Reports		1 Administrative Record 3008(h) Order	
9 Interim Measures Correspondence		2 Other Non-AR Documents	
10 Interim Measures Workplan and Reports		D.6 Environmental Indicator Determinations	
D.3 Corrective Action/Remediation Study		1 Forms/Checklists	
1 CMS Correspondence		E. Boilers and Industrial Furnaces (BIF)	
2 Interim Measures		1 Correspondence	
3 CMS Workplan		2 Reports	
4 CMS Draft/Final Report		F Imagery/Special Studies (Videos, photos, disks, maps, blueprints, drawings, and other special materials.)	
5 Stabilization		G.1 Risk Assessment	
6 CMS Progress Reports		1 Human/Ecological Assessment	
7 Lab Data, Soil-Sampling/Groundwater		2 Compliance and Enforcement	
D.4 Corrective Action Remediation Implementation		3 Enforcement Confidential	
1 CMI Correspondence		4 Ecological - Administrative Record	
2 CMI Workplan		5 Permitting	
3 CMI Program Reports and Oversight		6 Corrective Action Remediation Study	
4 CMI Draft/Final Reports		7 Corrective Action/Remediation Implementation	
5 CMI QAPP		8 Endangered Species Act	
6 CMI Correspondence		9 Environmental Justice	

Note Transmittal Letter to Be Included with Reports  
Comments \_\_\_\_\_

3/31/64

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CITY OF DETROIT and the DETROIT  
WATER AND SEWERAGE DEPARTMENT,

Plaintiffs,

vs.

SYBILL, INC.

Defendant.

95-501975 DE 1/23/95  
JUDGE: ROLAND OLZARK  
DETROIT CITY OF  
VS  
SYBILL INC

Hon. Roland Olzark

FINK, ZAUSMER & KAUFMAN, P.C.  
AVERY K. WILLIAMS (P34731)  
MARSHELIA E. BELYUE (P55700)  
Special Assistant Corporation Counsel  
Attorneys for Plaintiffs  
2430 First National Building  
Detroit, Michigan 48226  
(313) 963-3873

RICHARD D. CONNORS (P40749)  
PLUNKETT & COONEY, P.C.  
505 N. Woodward Ave., Suite 3000  
Bloomfield Hills, Michigan 48304  
(248) 901-4050

AMENDED AND RESTATED CONSENT JUDGMENT

At a session of said Court, held in the City of Detroit, County  
of Wayne, State of Michigan on \_\_\_\_\_

PRESENT: Honorable \_\_\_\_\_

WHEREAS, Plaintiffs, have filed a Complaint and a subsequent motion  
alleging that Defendant, Sybill, Inc. ("Defendant" or "Sybill") among other things: (1)  
discharged wastewater with pollutant concentrations in excess of applicable pretreatment  
standards and limitations; (2) discharged wastewater without permit or authorization in  
violation of City of Detroit Ordinance 34-96 (successor to former City of Detroit Ordinance  
23-86); (3) failed to pay duly assessed costs pursuant to Ordinance 34-96; (4) violated City of  
Detroit Ordinance 34-96; (5) violated the Clean Water Act, 33 U.S.C. §1251 et seq; (6)

SOP DUE MAY 26th ✓

violated the Michigan Natural Resources and Environmental Protection Act ("MNREPA"), MCL. 324.101 et seq; and (7) caused a public nuisance.

WHEREAS, February 14, 1995, the parties executed and entered that certain Consent Judgment providing for certain injunctive and civil penalty relief;

WHEREAS, on January 6, 1996, the Court entered that certain Order reinstating injunctive relief.

WHEREAS, the parties have agreed that resolution of this matter by entry of this Consent Judgment, without further litigation, is the most appropriate means of resolving this matter;

NOW, THEREFORE, without trial of any issue of fact or law and upon consent of the parties, by their duly-authorized representatives:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the subject matter of this Consent Judgment pursuant to MCL 600.601 and MCL 600.605 of the Revised Judicature Act, MCL 600.601 et seq; Sections 3114 and 3115 of the MNREPA, MCL 324.3114 of MNREPA, MCL 324.3115, respectively, the Clean Water Act, 33 USC §1251 et seq, City of Detroit Ordinance 34-96, and 40 CFR Part 403.

2. The undersigned representative for each party certifies that he/she is fully authorized by the party or parties whom he/she represents to enter into the terms and conditions of this amended and restated judgment (the "Judgment") and to legally bind the party or parties to this Judgment.

3. This Judgment shall apply to and be binding upon the parties, and upon their successors and assigns and upon those persons only.

4. Nothing contained in this Judgment or in any exhibit thereto, nor its ultimate entry shall be construed or considered as an admission of liability with respect to any allegation in any pleading or an admission or evidence of any wrongdoing or misconduct on the part of any party.

5. The Court determines that the terms and conditions contained herein are reasonable, adequately resolve the environmental and legal issues raised in Plaintiffs' Complaint and properly protect the waters of the City of Detroit, the State of Michigan and the United States.

6. The Court Order of January 6, 1996, reinstating injunctive relief, is hereby dissolved and of no further effect as of the date of entry of this Judgment

A. Violation Payment

7. Sybill, Inc. shall pay One Hundred Ninety Three Thousand Two Hundred Twenty-Five Dollars and Ninety-Three cents (\$193,225.93), including any accrued and unpaid interest or penalties, if any, in full satisfaction of Plaintiffs' claims for violations as alleged in their Complaint filed herein through the date of this Judgment. This payment includes Seventy Five Thousand (\$75,000.00) Dollars in cost assessments and penalties and One Hundred Eighteen Thousand Two Hundred Twenty-Five Dollars Ninety-Three cents (\$118,225.93) for sewerage charges related to charges for effluent discharges that exceed sewage estimates based upon the inbound water to the Facility. Payment shall be made as follows:

a. Defendant shall pay One Hundred Ninety-Three Thousand Two Hundred Twenty-Five and Ninety-Three cents (\$193,225.93) in twenty (20) quarterly payments of Nine Thousand Six Hundred Sixty-One dollars and Thirty cents (\$9,661.30) over a five (5) year

period. The initial payment must be paid to the DWSD within seven (7) days of entry of this Judgment.

b. In the event any installment payment is not made, the unpaid installment shall bear interest at the rate of 1 ½% per month on said unpaid amount until it is paid in full. Interest shall be compounded annually. Any payments made under this Judgment shall first be applied to interest accrued thereon and then to unpaid principal amounts. There shall be no penalty for prepayment of any amount.

8. All payments shall be made by certified check, or cashier's check, or other immediately available funds made payable to the Detroit Water and Sewerage Department and delivered to the Manager of the Industrial Waste Control Division of the Detroit Water and Sewerage Department at 303 S. Livernois, Detroit, Michigan 48209.

B. Stipulated Penalties

9. In addition to and not in limitation of any other civil, criminal, legal or administrative action which may be appropriate, if Defendant, Sybill, Inc. fails to fully and timely comply with this Judgment, any applicable effluent discharge limit established or imposed pursuant to its duly-authorized wastewater discharge permit, 40 CFR Part 403, the City of Detroit Ordinance 34-96, or established or imposed by any other applicable law, it shall pay stipulated penalties in accordance with the following schedule:

a. During the first twenty-four (24) months after entry of this Judgment, Sybill shall pay stipulated penalties of Three Hundred (\$300.00) Dollars per day for each violation.

b. During the remaining thirty-six (36) months of this Judgment, Sybill shall pay stipulated penalties of One Hundred (\$100.00) Dollars per day for each violation.

c. In the event any payment due pursuant to this Judgment remains unpaid for more than thirty (30) days, Sybill shall not be subject to a monetary stipulated penalty. Sybill hereby stipulates to the automatic discontinuation of any privileges Sybill has to discharge wastewater to Plaintiffs' sewer system from its facility until further order of the DWSD and the Court without further action by this Court. Plaintiff may effectuate this provision by giving Sybill written notice under this Judgment.

d. Payment of stipulated penalties for future violations of any applicable pretreatment standard or requirement is not in lieu of, nor will it abate, any action to recover civil penalties or fines for violation of any applicable laws including, but not limited to, the City of Detroit Ordinance 34-96, 40 CFR Part 403, this Judgment or Defendant's wastewater discharge permit. The stipulated penalties are in addition to and not in limitation of Plaintiffs' rights to seek civil penalties for any violations for which stipulated penalties are imposed.

e. In any dispute over the applicability of stipulated penalties, Defendant shall bear the burden of proving that it is not subject to stipulated penalties, provided that any challenge be made in writing and completed within seven (7) days of receipt of a notice of noncompliance from Plaintiffs. In the event Defendant makes such a challenge, the Department will respond to such challenge within seven (7) days of receipt of same. Any monies paid pursuant to subparagraph (g) will be returned to Defendant if the Department determines that stipulated penalties do not apply.

f. All stipulated penalties should be made by certified check, or cashier's check or other immediately available funds made payable to the Detroit Water and Sewerage Department and delivered to the Manager of the Industrial Waste Control Division of the Detroit Water and Sewerage Department at 303 S. Livernois, Detroit, Michigan 48209.

g. All stipulated penalties shall be paid within seven (7) days of the date Sybill, Inc. is notified of the violation for which stipulated penalties are imposed.

C. Injunctive Relief

10. Defendant shall immediately comply with the terms and conditions of the attached wastewater discharge Permit No. 914-003 (Exhibit 1) or any subsequently issued modification to Permit No. 914-003 and all applicable laws, including, but not limited to, Ordinance 34-96, the Michigan Natural Resources and Environmental Protection Act ("MNREPA") MCL 334.3101 et seq and the Clean Water Act, 33 USC §1251 et seq and 40 CFR Part 403.

11. Sybill shall also:

a. Conduct a waste strength determination jointly with the Department in accordance with the Surcharge Rules and Regulations within sixty (60) days of the execution of the Protocol Sampling Agreement mentioned in subparagraph (b).

b. Negotiate and execute a mutually acceptable Protocol Sampling Agreement with DWSD's Surcharge Section within thirty (30) days of entry of this Consent Judgment. The agreed upon protocol and Surcharge Rules and Regulations will be used to conduct the waste strength determination. The waste strength determination value will be used by the Commercial Billing unit of DWSD's Commercial Division to calculate Sybill's surcharge bills from January 1, 1999 forward until such time as amended by a succeeding waste strength determination.

c. Submit all laboratory sample results from the waste strength determination to the DWSD immediately upon receipt of same.

d. Negotiate and execute a mutually acceptable payment plan with Commercial Billing for the amount owed pursuant to subparagraph (b) after the completion of the above-referenced waste strength determination, unless otherwise specified by the Department. Defendant shall, within one hundred-eighty (180) days of execution of this Amended Consent Judgment, submit a proposed payment plan to the DWSD Commercial Division with a copy to the Industrial Waste Control Division. In the event Plaintiffs do not respond to the proposed plan within ninety (90) days, Defendant shall begin escrowing payments in the amounts provided for in its proposed plan for the benefit of Plaintiffs.

e. Submit a monthly report to Commercial Billing and the IWC containing the volume of wastewater discharged from the facility for the preceding month on the 5<sup>th</sup> day of each month during the life of this Judgment. The Department will use reports submitted pursuant to this subparagraph to calculate all applicable charges against Sybill, including but not limited to, sewer and surcharge.

f. Avoid any interference or tampering with the Department's fresh-water meter and/or Defendant's flow meter.

g. Submit an updated Standard Operating Procedures ("SOP") Manual to the DWSD within thirty (30) days from the entry of this Judgment. The manual must be certified by an authorized representative of Sybill as being in full force and effect.

h. Conduct an annual review of its SOP Manual. In addition, Sybill must immediately notify the Department of any changes made to the SOP manual.

i. Submit a written request to the DWSD for the Industrial Waste Control Division to facilitate any meeting made necessary under this Judgment.

12. Defendant shall submit certification from its authorized representative verifying the installation of a Magnetic Flow Device with a non-resettable counter acceptable to the Department within 30 days after the entry of this Judgment. This meter must be used in submitting reports to the DWSD pursuant to paragraph 11(e). In the event Defendant fails to install a flow device or submit reports as prescribed under this paragraph, Defendant will be considered in violation of this Judgment and subject to stipulated penalties in the amount of \$300 per day for each day the violation persists.

D. Right of Entry

13. Until termination of this Consent Judgment, Plaintiffs and/or their representatives, contractors, consultants and attorneys shall have the authority to enter any facility covered by this Judgment, during reasonable hours, upon presentation of appropriate identifications to the Manager of the facility, or in the Manager's absence, to the highest ranking employee present on the premises for purposes of:

- a. Monitoring the progress of activities required by this Judgment;
- b. Verifying any data or information submitted to Plaintiffs in accordance with the terms of this Judgment;
- c. Obtaining of samples and upon request splits of any samples taken by Defendant or its contractors and consultants; or
- d. Assessing Defendant's compliance with this Judgment.
- e. This provision in no way affects or reduces any rights of entry or inspection that Plaintiffs have under any federal, state or local law or regulation.

E. Form of Notice

14. Notices, reports or other communications shall be either hand delivered or sent certified mail return receipt requested. Notices shall be deemed submitted on the date they are either delivered, if by hand delivery, or post-marked if sent by certified mail. Written notification to or communication with the parties required by the terms of this Consent Judgment shall be addressed as follows:

If to the DWSD:

Stephen F. Gorden, Director  
Detroit Water & Sewerage Department.  
5th Floor, Water Board Building  
735 Randolph  
Detroit, MI 48226

Stephen J. Kuplicki, P.E.  
Manager, Industrial Waste Control Division  
Detroit Water and Sewerage Department  
303 S. Livernois  
Detroit, MI 48209

With a copy to:

Avery K. Williams, Esq.  
FINK, ZAUSMER & KAUFMAN, P.C.  
1917 Penobscot Building  
Detroit, MI 48226

If to Defendant:

Bill Madias  
Sybill, Inc.  
4440 Wyoming  
Dearborn, MI 48126

With a copy to:

Richard D. Connors, Esq.  
PLUNKETT & COONEY, P.C.  
505 North Woodward Avenue, Suite 3000  
Bloomfield Hills, Michigan 48304

F. General Provisions

15. Except as provided herein, there shall be no modification of this Consent Judgment without the prior written approval of all of the parties.

16. Except as otherwise provided or reserved under the terms of this Judgment, this Judgment shall constitute full release from and satisfaction of and complete discharge from any liability and any and all claims, actions, losses, causes of action, damages and allegations referenced in this Judgment or contained in any pleading filed in this case prior to and as of the date of entry of this Judgment for Sybill and its shareholders, directors, officers, agents, representatives, attorneys, successors and assigns.

17. This Court shall retain jurisdiction of this matter for the purpose of enabling the parties of this Judgment to apply to the Court for any further order that may be needed to construe, carry out, or enforce compliance with the terms of this Judgment.

18. In the event of a default by Defendant in the payment of any monies, interests, costs or fees payable under this Judgment, all payments, unpaid interest, costs or fees shall become immediately due and payable provided that Defendant shall receive written notice by certified mail of any alleged default and shall have seven (7) days from the date receipt of the notice to cure said default to Plaintiffs' satisfaction. Plaintiffs shall not be barred from seeking additional penalties, interest, costs and fees to the fullest extent allowed by law.

19. This Consent Judgment in no way alters or releases Defendant's responsibility to comply with any and all other federal, state or local law, regulations or permit conditions. Defendant is responsible for achieving and maintaining complete compliance with all applicable federal, state and local laws and regulations and permits and compliance with this Judgment shall not be a defense to any actions commenced pursuant to such laws or regulations.

20. Plaintiffs expressly reserve the right to pursue all remedies available to it to remedy all subsequent violations of the Act, the Ordinance, the permit or applicable law not specifically plead in the Complaint filed in this matter. The Department acknowledges that it does not routinely seek additional civil penalties for violations that are subject to stipulated penalties unless the industrial user's current compliance history suggests that it cannot or will not achieve compliance without further action.

21. Nothing herein shall be construed to limit the authority of Plaintiffs to undertake any action against any person, including Defendant, in response to conditions which may be present and which may present an imminent and substantial endangerment to the public health, welfare or the environment.

22. This Consent Judgment does not limit or affect the rights of Plaintiffs against any third parties (parties not specifically part of this Judgment); nor does this Judgment create any rights in any third parties.

23. This Judgment shall be interpreted in a manner consistent with all applicable law.

24. The provisions of this Consent Judgment shall be severable and should any provisions be declared by a Court of competent jurisdiction to be inconsistent with state or federal law and therefore unenforceable, the remaining provisions shall remain in full force and effect.

25. This Judgment shall be binding upon the parties and their heirs, successors and assigns.

26. This Judgment shall terminate March 31, 2004, provided Defendant has paid all sums and amounts due pursuant to this Judgment, which in any event shall be due and payable in full on or before March 31, 2004.

We hereby consent to entry of this Judgment.

SYBILL, INC.

By: 

Its: 

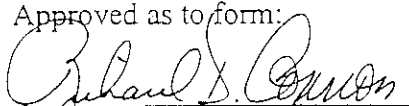
DETROIT WATER AND SEWERAGE DEPARTMENT

By: \_\_\_\_\_

STEPHEN F. GORDEN

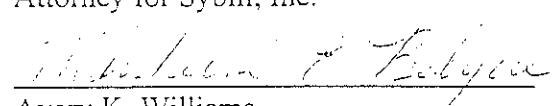
Its: Director

Approved as to form:



Richard D. Connors

Attorney for Sybill, Inc.



Avery K. Williams

Marshelia E. Belyue

Attorneys for City of Detroit and  
the Detroit Water and Sewerage  
Department

THIS JUDGMENT RESOLVES PENDING CLAIMS AND  
CLOSES THE CASE EXCEPT FOR ACTIONS TO ENFORCE  
COMPLIANCE WITH THE TERMS OF THE JUDGMENT.

IT IS SO ORDERED:

\_\_\_\_\_  
Circuit Court Judge

**SYBILL, INC.**  
**TECHNICAL SUPPORT DOCUMENT**

- 1. Cover Page:**
- 2. Table of Contents:**
- 3. Synopsis of Case:**
- 4. Significant Aspects of Referral:**
- 5. Multimedia and Governmental Coordination:**
- 6. Description of Defendant**
  - A.1 SRS Environmental, Inc. (a.k.a. Sybill, Inc., or Sybill)**  
111 Military  
Detroit, Michigan 48209

SIC code: 4953 (Refuse Systems)

Sybill is located in a mixed industrialized, commercial and residential area of southwest Detroit. Residences can be seen as close as a few hundred feet from the site. This is an environmental justice community that has been a high priority enforcement target area for Region 5 and Wayne County, Michigan's Department of Environment. Through the Southeast Michigan geographic initiative team, EPA has listened to community input that has identified Sybill as a chief concern of the local community.

Sybill operates a used oil processing facility that separates marketable oils from oil-water mixtures. These wastes include spent coolants and oils, and industrial waste liquids. Sybill also receives waste waters that are contaminated with small amounts of oils, for treatment. These wastes include underground storage tank rinse waters, landfill leachates and excavation waters. The treated wastewater is then disposed of in the sanitary sewer. The facility was originally a part of an old Fisher Body Plant waste water treatment facility that operated here prior to its closing in 1991, but was substantially modified by Sybill. The outdoor tanks were part of the GM facility. Sybill installed the indoor tanks prior to start-up. During a multi-media inspection in March, 2000, Sybill representatives provided EPA inspectors with a process description and plant diagram that they described as being current. Attachment.

Steam heat sparging is employed to remove the water from the oils. Used oils with a high rag content (a layer of water and oil mixed together) are treated by "acid shocking" in several treatment tanks. Sybill also uses propriety chemical treatments using

aluminum sulfate or polymers. Oils are also “polished” in these tanks, which entails further heat or chemical treatment to improve product specifications, specifically, to reduce the water content.

Odorous substances, such compounds containing sulfur or solvents, might be contained in incoming shipments of used oil or oil/water mixtures. Processing and transfer of these materials may cause the release of odors, including hazardous air pollutants, into the air. Odors can be released by the acid shocking of heated oil/water mixtures. In some instances, used oils may be attacked by anaerobic bacteria during storage, causing particularly intense and unpleasant odors that have a “sulfur-like” or “rotten-egg” smell associated with hydrogen sulfide and other sulfur compounds. The industry is known to receive oils that contain some amount of solvents or other volatile organic hazardous air pollutants (VHAP) that may be listed in Section 112 of the Clean Air Act, although the VOHAP content may be low.

Sybill operates a natural gas package boiler that emits combustion by-products such as nitrogen oxides and carbon monoxide. This boiler is used to provide process steam.

Currently, the potential air contaminant emission points include certain indoor tanks (such as Tanks 20 through 30) where incoming used oil materials are received prior to treatment, and Tanks 11 and 12, where these oils are processed through heating and chemical treatment. Tanks 9 and 14 receive waste waters for treatment. These tanks, except Tanks 20 through 30, are vented to a multi-stage venturi and packed tower scrubbers and a carbon adsorber, hereinafter “scrubber system.” Cleaned gases are then vented to a stack. There are also five large storage tanks outside the building, two of which are vented to the scrubber system. Emissions potential exists due to mechanical mixing, chemical treating, and heating of the material through direct injection of steam heat (sparging) in the tanks. Emissions from these occur at the scrubber stack. There are also emissions associated with the displacement of vapors while filling of storage and processing tanks from incoming truck loads of waste materials. Emissions can also occur at the oil/water separators (sumps) inside the building.

A.2 There are no other proposed defendants.

A.3 Corporate liability issues: The chief executive officer is Vasilios C. Madias, President. EPA believes that Mr. Madias controls the company’s operations. In its report, Dun & Bradstreet identified SRS Environmental, Inc. as a secondary name of Sybill, Inc.

State of Incorporation and Principle Place of Business of Defendant: Mr. Madias operates SRS Environmental and Sybill, Inc. from his office at 3345 Greenfield Road, Melvindale, Michigan.

A.4 Region 5 believes Sybill Inc. is a small business under the Small Business Regulatory

Enforcement Fairness Act (SBREFA), and has treated it as such. The Dun & Bradstreet report does not identify the number of employees, nor does it identify sales figures. Attachment. At the inspection, we determined that 12 individuals are employed at Sybill's Military Avenue plant. Others are employed at SRS Environmental trucking operations, and the headquarters office in Melvindale. During the March 2000 multimedia inspection, we provided a SBREFA fact sheet to Sybill. We also provided the fact sheet as an attachment to the 114 information request issued on July 13, 2000.

A.4 Identity of Other Potential Defendants: None

B State of incorporation: **Michigan?**

C No other potential defendants

## 7. Description of Violations

### A. Nature of Violations

The case rests primarily on federally enforceable construction permits issued to Sybill by the Wayne County. There are also violations of Section 114 of the Clean Air Act, as explained later.

Permit violations: On December 12, 1994, Wayne County issued a permit letter to Sybill outlining conditions for installation permit numbers C-10504 through C-10519.

Attachment. This permit letter covered seven non-hazardous liquid waste processing tanks, three product oil storage tanks with activated carbon canisters, two incoming waste oil storage tanks, wastewater clarifier tank No. 5, two venturi scrubbers, a packed bed caustic scrubber, and two parallel activated carbon adsorbers. Sybill conducted stack testing in 1995 while this permit was in effect.

On August 21, 1995, Wayne County issued a second permit letter to authorize use of storage tanks S3 through S6 as product tanks and Tank 19 as for storage of treated wastewater.

On August 12, 1997, Wayne County issued a revised permit letter to Sybill, Inc. outlining conditions for installation permit numbers WC-11666, C-10504 through C-10519, C-11194, and C-11340 through C-11345. Attachment. This revised permit letter replaced the 1994 permit, and covered fifteen non-hazardous liquid waste processing tanks, two product oil storage tanks with activated carbon canisters, two incoming oil storage tanks, one buffer storage tank with activated carbon canister, wastewater clarifier tank No. 5, and the scrubber system.

The permits contain various terms and conditions that regulate how Sybill may operate its

waste oil and waste water processing operation so that emissions of organic compounds and compounds containing sulfur, including odorous compounds, may be minimized. Sybill has a history of not complying with these terms and conditions, as discussed below.

On March 27 through March 28, 2000, U.S. EPA conducted multi-media inspections and records reviews at the Sybill facility. Attachment. Wayne County also conducted inspections and records reviews at the Sybill facility on March 27 through March 30, 2000, as part of the multi-media investigation. Wayne County's detailed records review of facility records indicated noncompliance with the special terms and conditions of the Wayne County's August 12, 1997 installation permit, as follows:

Sybill failed to comply with Special Condition 10, which requires Sybill to submit written notifications of scrubber system outages, by not submitting written notifications for scrubber system outages on the following dates:

- May 17, 1999 to May 21, 1999
- June 7, 1999 to June 10, 1999
- June 14, 1999 to June 18, 1999
- July 8, 1999
- July 11, 1999

Sybill failed to comply with Special Condition 21, which prohibits Sybill from processing waste oil while the scrubber system is not operating properly, by processing waste oil while the scrubber system was not operating or operating properly on the following dates:

- May 14, 1999
- May 17, 1999 to May 21, 1999
- June 7, 1999 to June 10, 1999
- June 14, 1999 to June 18, 1999
- July 8, 1999
- July 11, 1999
- November 9, 1999
- December 9, 1999
- December 22, 1999
- December 24, 1999
- December 27 to December 30, 1999
- February 6, 2000
- March 6 to March 9, 2000
- March 12 to March 21, 2000

Sybill failed to comply with Special Condition 32, which requires Sybill to conduct

chemical treatment of waste material "in accordance with methods, procedures, and specifications accepted by the Division", by conducting such treatment while the scrubber system was not operating properly on the following dates:

May 14, 1999  
May 17, 1999 to May 21, 1999  
June 7, 1999 to June 10, 1999  
June 14, 1999 to June 18, 1999  
July 8, 1999  
July 11, 1999  
November 9, 1999  
December 9, 1999  
December 22, 1999  
December 24, 1999  
December 27 to December 30, 1999  
February 6, 2000  
March 6 to March 9, 2000  
March 12 to March 21, 2000

Sybill failed to comply with Special Condition 37, which requires a minimum flowrate to the caustic scrubber of 85 gallons per minute, by not maintaining the required minimum flowrate on the following dates:

November 9, 1999  
December 22, 1999  
December 24, 1999  
December 27 to December 28, 1999  
December 30, 1999 to February 6, 2000  
March 6 to March 9, 2000

Sybill failed to comply with Special Condition 42, which requires Sybill to maintain the packed bed caustic scrubber control efficiency at 99 percent or better, by not maintaining the required minimum control efficiency due to scrubber outages on the following dates, while processing occurred:

May 17, 1999 to May 21, 1999  
June 7, 1999 to June 10, 1999  
June 14, 1999 to June 18, 1999  
July 8, 1999  
July 11, 1999  
November 9, 1999  
December 9, 1999  
December 22, 1999

December 24, 1999  
December 27 to December 30, 1999

Sybill failed to comply with Special Condition 44, which requires Sybill to maintain the caustic addition feed rate to the caustic scrubber solution at 1.05 gallons per minute, by not maintaining the minimum feed rate while processing occurred, on the following dates:

May 17, 1999 to May 21, 1999  
June 7, 1999 to June 10, 1999  
June 14, 1999 to June 18, 1999  
July 8, 1999  
July 11, 1999  
November 9, 1999  
December 9, 1999  
December 22, 1999  
December 24, 1999  
December 27 to December 30, 1999

Sybill failed to comply with Special Condition 45, which requires Sybill to maintain the blowdown rate from the caustic bed scrubber at a rate of at least 7.5 gallons per minute, by not maintaining the minimum rate on the following dates:

May 17, 1999 to May 21, 1999  
June 7, 1999 to June 10, 1999  
June 14, 1999 to June 18, 1999  
July 8, 1999  
July 11, 1999  
August 23, 1999  
December 9, 1999  
December 27, 1999  
December 30, 1999 to February 6, 2000  
March 12 to March 19, 2000

Sybill failed to comply with Special Condition 49, which requires Sybill to maintain a carbon adsorber replacement log. During the inspections, Sybill could not produce such a log.

Sybill failed to comply with Special Condition 50, which requires Sybill to maintain a written log for scrubber system parameters. Sybill did not keep such a log from July 13, 1999 to July 26, 1999, and did not keep all required log entries on the following dates:

November 19, 1999

November 29, 1999  
December 17, 1999  
December 21, 1999

Sybill failed to comply with Special Condition 53, which requires Sybill to keep an acid and caustic log, and to provide it upon request. During the multimedia inspection, Sybill could not produce such a log.

Sybill failed to comply with Special Condition 55, which requires Sybill to keep a processing log identifying, for each processing tank and storage tank, the identification of waste oil generator, the waste oil temperature, the amounts and types of chemicals used in processing, the number of gallons of waste oil treated, the processing time and tank identification on a daily basis. Sybill was not recording tank temperatures, the amounts of chemicals added, and gallons treated.

Sybill failed to comply with Special Condition 59, which prohibits Sybill from processing waste material by way of acidification while the scrubber system is not operating properly, by processing waste material while the scrubber system was not operating properly on the following dates:

May 14, 1999  
May 17, 1999 to May 21, 1999  
June 7, 1999 to June 10, 1999  
June 14, 1999 to June 18, 1999  
July 8, 1999  
July 11, 1999  
November 9, 1999  
December 9, 1999  
December 22, 1999  
December 24, 1999  
December 27, 1999 to February 6, 2000  
March 6 to March 9, 2000  
March 12 to March 21, 2000

By not complying with the special terms and conditions of the Wayne County installation permit as set forth above, Sybill violated 40 C.F.R. § 52.23<sup>1</sup> and § 110 of the Clean Air

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<sup>1</sup>Section 52.23 reads: "Failure to comply with any provisions of this part, or with any approved regulatory provision of a State implementation plan, or with any permit condition or permit denial issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, or with any permit limitation or condition contained

Act.

During the March 27 through March 28, 2000 inspections, U.S. EPA and Wayne County inspectors observed processing tanks 26 through 30, and a 16 million Btu/hour boiler, which were installed without Wayne County installation permits, in violation of Michigan SIP Rule R336.1201 and Section 113 of the Clean Air Act.

On April 4, 2000, U.S. EPA received a stack test report from Sybill summarizing the results of stack tests that Sybill conducted on the scrubber system exhaust on September 18, 1995. Attachment. The results of the September 18, 1995 stack test revealed an average volatile organic compound (VOC) emission rate of 0.241 pounds per hour, which exceeds the 0.01 pound per hour emission limit contained in Special Condition 25 of the installation permit letter issued by Wayne County on December 12, 1994, and in Special Condition 25 of the installation permit letter issued by Wayne County on August 12, 1997.

The results of the September 18, 1995 stack test revealed an average hydrogen sulfide emission rate of 0.580 pounds per hour, which exceeds the 0.00065 pound per hour emission limit contained in Special Condition 24 of the installation permit letter issued by Wayne County on December 12, 1994, and in Special Condition 24 of the installation permit letter issued by Wayne County on August 12, 1997.

By not complying with the Special Conditions 24 and 25 of the Wayne County installation permits as set forth above, Sybill violated 40 C.F.R. § 52.23 and § 110 of the Clean Air Act.

Evidence of the permit-related violations consists primarily of Sybill's operating logs reviewed by U.S. EPA and Wayne County inspectors during the on-site multi-media inspection during the week of March 27, 2000. Additionally, the inspection revealed the installation of a new package boiler and Tanks 26-30, for which construction permits were not issued. This is documented in U.S. EPA's Clean Air Act report for this inspection. Attachment.

Section 114 violations: Sybill has also failed to respond to a Clean Air Act Section 114 information request, issued on April 27, 2001. The information request called for stack testing for the inlet and outlet of the scrubber system, emissions testing for the building roof vents and process fugitives that are ducted to the stack shall be performed

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within an operating permit issued under an EPA-approved program that is incorporated into the State implementation plan, shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Clean Air Act."

simultaneously with the scrubber system testing, and in accordance with Methods 15 and 18.

Method 204, which determines whether a temporary or permanent enclosure meets the criteria for a total enclosure, was required for determining capture efficiency, Method 204E was required for determining emissions from building vents that are not controlled.

This testing was required to verify whether Sybill is in compliance with its permit. The last time Sybill conducted such testing was in 1995. In 2001, EPA required additional testing to verify the facility's major source status under new source review or MACT standards, and to better understand the nature of what it is emitting to the atmosphere.

In order to assure that the scrubber system is performing within design specifications, and in so doing, maintaining continuous compliance with permit limitations, EPA required Sybill to submit a plan for assuring complete monitoring and recordkeeping for the scrubber system performance parameters within 30 days of receipt of the information request. In response, Sybill submitted a letter dated May 23, 2001 requesting that it not be required to respond to the 114 request pending a settlement with Wayne County. Attachment. Subsequent communications with Wayne County confirmed that no such settlement has been imminent.

#### B. Environmental Consequences

Sybill's processing operation emits various compounds, including VOCs and hydrogen sulfide. VOCs are precursors to the formation of ozone. Other VOCs that may be present in used oils, at least in small amounts, may include hazardous air pollutants (HAPs) that are regulated under Section 112 of the Clean Air Act (Act). The unpermitted gas-fired boiler emits nitrogen oxides (NOx).

Ozone is a photochemical oxidant that forms in the atmosphere when three atoms of oxygen are combined (O<sub>3</sub>). In the upper atmosphere, ozone occurs naturally and shields the Earth from the Sun's harmful ultraviolet radiation. At ground level, ozone adversely affects human health and damages vegetation and many common materials. It is a major component of urban smog.

Ground level ozone is not emitted directly into the air, but rather is formed by complex chemical reactions between VOCs and NOx in the presence of sunlight. These reactions are stimulated by sunlight and temperature, so that peak ozone levels typically occur during hot weather.

Ozone "precursors" (VOCs and NOx), as well as ozone itself, can be carried hundreds of miles from their origins, causing air pollution over wide regions. The reactivity of ozone causes health problems because it damages lung tissue, reduces lung function and

sensitizes the lungs to other irritants. When inhaled, even at low levels, ozone can cause acute respiratory problems such as shortness of breath, chest pain, wheezing, and coughing; aggravate asthma; cause significant temporary decreases in lung capacity; cause inflammation of lung tissue; lead to hospital admissions and emergency room visits; and impair the body's immune system defenses, making people more susceptible to respiratory illness, including bronchitis and pneumonia. Repeated exposure to ozone pollution for several months may cause permanent structural damage to the lungs.

Because ozone pollution usually forms in hot weather, anyone who spends time outdoors in the summer is at risk, particularly children, moderate exercisers, and outdoor workers. Children are at greatest risk from exposure to ozone because their respiratory systems are still developing and are more susceptible to environmental threats. Children also breathe more air per pound of body weight than adults, thus increasing their exposure. People with existing lung disease, including asthma, chronic bronchitis, and emphysema, are at particular risk from high ozone levels. Since they already suffer from reduced ability to breathe, these individuals are often greatly affected by the increased impairment that can result from exposure to ozone.

Ground-level ozone interferes with the ability of plants to produce and store food, so that growth, reproduction and overall plant health are compromised. By weakening sensitive vegetation, ozone makes plants more susceptible to disease, pests and environmental stresses. Ozone can kill or damage leaves so that they fall off the plants too soon or become spotted or brown, thus detrimentally affecting the natural beauty of many areas. The effects of ozone on long-lived species such as trees are believed to add up over many years so that whole forests or ecosystems can be affected. Additionally, ozone has been shown to reduce agricultural yields for many economically important crops such as soybeans, kidney beans, wheat, and cotton.

Hydrogen sulfide is not currently a listed pollutant under Section 112 of the Clean Air Act. Nevertheless, hydrogen sulfide health effects are documented in EPA's Integrated Risk Information System (IRIS) database. According to IRIS:

"Hydrogen sulfide is acutely toxic to humans, as evidenced by the numerous reports of fatal poisonings from individuals killed by accidental exposure (Adelson and Sunshine, 1966; Milby, 1962; Ohya et al., 1985; Osbern and Crapo, 1981; Spolyar, 1951; McDonald and McIntosh, 1951; Anon., 1986; Deng and Chang, 1987; Campanaya et al., 1989). According to the National Institute for Occupational Safety and Health, hydrogen sulfide is a leading cause of sudden death in the workplace (NIOSH, 1977). The odor threshold is reported to be at 25 ppb (0.035 mg/cu.m); levels in the 3-5-ppm range cause an offensive odor. The inhalation RfC is below the reported odor threshold in humans. At levels around 100 ppm, no odor is detected, due to loss of the olfactory sensation, resulting in loss of warning properties at lethal levels. In reports of acute poisoning, systemic intoxication can result from a single (one to two breaths) massive exposure to

concentrations usually greater than 1000 ppm (Deng and Chang, 1987; Spolyar, 1951). Inhalation of high levels of hydrogen sulfide act directly on the respiratory center, causing respiratory paralysis with consequent asphyxia and subsequent death (Anon., 1986; Milby, 1962; Haggard, 1925; Adelson and Sunshine, 1966). At levels between 500 and 1000 ppm, acute intoxication is associated with symptoms of sudden fatigue, headache, dizziness, intense anxiety, loss of olfactory function, nausea, abrupt loss of consciousness, disturbances of the optic nerves, hypertension, insomnia, mental disturbances, pulmonary edema, coma, convulsions, and respiratory arrest, followed by cardiac failure and often death (Burnett et al., 1977; Frank, 1986; Anon., 1986; Thoman, 1969). Levels estimated at 250 ppm resulted in unconsciousness in three workers after several minutes of exposure (McDonald and McIntosh, 1951). Cardiac effects in acute hydrogen sulfide intoxication have been reported in humans (Arnold et al., 1985) and laboratory animals (Kosmider et al., 1967). If exposure is terminated promptly, recovery occurs quickly. However, neurological effects have been reported to persist in survivors of high-level exposure (Ahlborg, 1951). Two case studies noted neuropsychological dysfunction characterized by cognitive impairment; deficits of verbal fluency and disorders of written language; and impairment of various memory, psychomotor, and perceptual abilities in individuals acutely exposed to hydrogen sulfide (Hua and Huang, 1988; Wasch et al., 1989). The damage that has been observed to persist after hydrogen sulfide exposure is not distinguishable from the effects of systemic anoxia or ischemia of the brain or heart, and no specific hydrogen sulfide chronic systemic toxicity has been defined (U.S. EPA, 1990). The human occupational and case study literature is not adequate for a basis for the RfC because exposure levels generally are poorly defined, and results are confounded by concurrent exposures to other chemicals. Community epidemiological studies also have failed to define exposures.

“Hydrogen sulfide is also a potent eye and mucous membrane irritant, even at low concentrations (50-200 ppm). Pulmonary edema is often a clinical finding in persons who have been rendered unconscious by hydrogen sulfide exposure (Burnett et al., 1977; Thoman, 1969; Arnold et al., 1985; Campanaya et al. 1989). In several of the reported fatalities, the individuals apparently died of acute respiratory distress syndrome due to pulmonary edema (Anon., 1986). Irritation of the eye results in initial lacrimation, loss of coronary reflex, and changes in visual acuity and perception, usually at concentrations in excess of 50 ppm, which may progress to inflammation and ulceration, with the possibility of permanent scarring of the cornea in severe cases. Inflammation of the cornea of the eye has been reported in workers exposed to as low as 10 ppm hydrogen sulfide for 6-7 hours (Frank, 1986; Milby, 1962).

“No data on human developmental effects of inhaled hydrogen sulfide were found, but, based on the limited information available in laboratory animals, hydrogen sulfide does not appear to induce developmental effects.”

Nitrogen dioxide (NO<sub>2</sub>) belongs to a family of highly reactive gases called NO<sub>x</sub>. These

gases form when fuel is burned at high temperatures, and come principally from motor vehicle exhaust and stationary fuel combustion sources such as electric utilities and industrial boilers. A suffocating, brownish gas, nitrogen dioxide is a strong oxidizing agent that reacts in the air to form corrosive nitric acid, as well as toxic organic nitrates. It also plays a major role in the atmospheric reactions that produce ground level ozone (or smog).

NO<sub>2</sub> can irritate the lungs and lower resistance to respiratory infections such as influenza. The effects of short-term exposure are still unclear, but continued or frequent exposure to concentrations that are typically much higher than those normally found in the ambient air may cause increased incidence of acute respiratory illness in children. NO<sub>x</sub> contributes to ground level ozone formation and can have adverse effects on both terrestrial and aquatic ecosystems. NO<sub>x</sub> in the air can significantly contribute to a number of environmental effects such as acid rain and eutrophication in coastal waters like the Chesapeake Bay. Eutrophication occurs when a body of water suffers an increase in nutrients that leads to a reduction in the amount of oxygen in the water, producing an environment that is destructive to fish and other animal life.

#### C. Seriousness and Gravity of Violations

1. Type of Release or Discharge. Sybill primarily releases VOCs, nitrogen oxides and hydrogen sulfide. The VOCs and NO<sub>x</sub> are conventional (criteria) pollutants. Hydrogen sulfide is not a listed hazardous air pollutant under Section 112 of the Clean Air Act, but it is regulated under EPA's Prevention of Significant Deterioration (PSD) regulations. 40 CFR § 52.21.

2. Quantity of Discharge and Any Effects of the Discharge Relating to Bioaccumulation or Persistency. The emission limits for hydrogen sulfide is 0.00065 pound per hour. For VOCs the limit is 0.01 pounds per hour. The actual emissions as tested were much higher, as shown in Table 1 below. At these levels, emissions are annualized at 2.54 and 1.05 tons/year, respectively. The emissions in question are not bioaccumulative or persistent in the environment.

Table 1  
Sybill, Inc. Emission Rates

POLLUTANT	EMISSION LIMIT	MEASURED EMISSION	ANNUALIZED POTENTIAL
hydrogen sulfide	0.00065 pound per hour	0.580 pounds per hour	2.54 tons/year
VOCs	0.01 pounds per hour	0.241 pounds per hour	1.05 tons/year
nitrogen oxides	not established	1.65 pounds per hour	7.23 tons/year

The stack test performed in 1995 showed exceedances of the construction permit. Although the emission rates were in excess of permit limits, they show stack emissions only, and do not quantify inlet rates so that scrubber efficiency may be calculated. Moreover, there may be a significant level of fugitive emissions that have not been quantified.

3. Relationship Between Violations and any Environmental or Health Impact. The impact that this facility has had on the well-being of the community has been significant in terms of strong, overpowering odors. Since Sybill began operations in 1991, it has developed a notorious reputation for being a significant source of odoriferous emissions in the community<sup>2</sup>. Wayne County has issued odor nuisance violation notices in response to hundreds of complaints. The odors are described as smelling like garlic or onions, or a petroleum-like smell. At higher levels of community exposure, the overpowering odors reportedly caused nausea, even to the point of triggering a gag reflex, as experienced by those unfortunate to experience it.

EPA issued its 114 information request on April 27, 2001, in an effort to better characterize Sybill's emissions. EPA widely uses its 114 authority to gather the information needed to protect public health. Without the specific information that EPA has requested of Sybill, there is uncertainty as to what organic compounds are being emitted by Sybill, and to what extent. Sybill's failure to respond to the 114 request has hampered EPA's efforts to make assessments of Sybill's impact on the community.

4. Prospects for Continuation of the Violations. Based on the long prior history of frequent violations of permit special conditions, it is reasonable to anticipate future

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<sup>2</sup>Sybill has become a major issue in terms of EPA's relationship with southwest Detroit, and environmental justice community which is a priority geographic initiative area for EPA.

violations. At the present time, for example, EPA believes that Sybill continues to operate its scrubber system without maintaining the caustic solution required by the Wayne County permit. Moreover, Sybill has reportedly become less cooperative in its dealings with Wayne County in recent months, particularly since the two parties entered litigation. The long history of violations indicates the need for Federal action. At the time of the multi-media inspection in April 2000, there was some evidence that Sybill was making efforts to improve scrubber performance by repairing corroded components with stainless steel. Since then, EPA has received additional information indicating no progress by Sybill in this regard.

Recently there have been some negotiations between Wayne County's Air Quality Management Division and the County Court. These negotiations, to EPA's knowledge, have not been productive. Sybill submitted a letter on May 23, 2001, in which it stated that it has agreed to modify the scrubber systems as part of settlements. Attachment. This implies that Sybill will not take the necessary steps to come into compliance until after negotiations are concluded. Wayne County government officials have generally indicated that the negotiations are not moving forward in a productive manner, and have not seen any firm action from the Court to encourage an expeditious settlement.

5. Adverse Impact on the Agency's Regulatory Programs. The violations cited in EPA's NOV are closely related to the importance EPA places on the regulatory scheme requiring Sybill to properly monitor the performance of its scrubbing system. When it fails to properly operate its equipment, or does not maintain proper records for scrubbing system performance or process conditions, EPA and Wayne County can no longer be assured of Sybill's continuous and ongoing compliance with its emission limitations. Sybill's failure to respond to the April 27, 2001 information request underscores the level of uncertainty about Sybill's ability to maintain compliance.

**8. Violation: Law and Evidence:**

- A. Authority and Citation
- B. Elements for Each Claim
- C. Evidence Supporting Each Element

*(Organize by elements for each claim?)*

Evidence of the violations consists primarily of a review of Sybill's operating logs by U.S. EPA and Wayne County inspectors during the on-site multi-media inspection during the week of March 27, 2000. Also, the inspection revealed the installation of a new package boiler and Tanks 26-30, for which construction permits were not issued. This is documented in U.S. EPA's Clean Air Act report for this inspection.

On March 27 and 28, 2000 U.S. EPA and Wayne County inspectors conducted a multi-media investigation of Sybill's operations at 111 Military. This on-site investigation included a detailed review of Sybill's records. On March 29, Wayne County continued its review of these records, leading to the Wayne County's Letter of Violation Nos. SW041300-1 and SW041300-2.

Michigan's Rule 201 provides for approval of applications for permits to install subject to special conditions as necessary to assure compliance with the rule. Attachment. Rule 203 specifies the required information to process a permit application. 40 C.F.R. § 52.23 gives U.S. EPA authority to enforce emission limits and conditions contained in State construction permits issued pursuant to a SIP rule promulgated for the review of new or modified sources. Rule 208a, which has not been approved as part of the SIP, exempts through registration sources from new source review if certain conditions are met, including limits on actual emissions. These limits are 5 tons/year for any hazardous air pollutant, and 12.5 tons/year for combined HAPs, and 50 tons/year for each criteria pollutant. Attachment.

D. Dates and Duration of Violations

The permit violations are noted in detail above, and are cited in EPA's Notice of Violation to Sybill. Attachment. These violations are based on an inspection of available records for the period of May 1999 through March 2000, when EPA and Wayne County conducted the most recent multi-media inspection. Since the inspection, one or more of the violations may be continuing.

VIOLATION	PERIOD OF VIOLATION
Special Condition 10 - not submitting written notifications for scrubber system outages	May 17, 1999 to May 21, 1999 June 7, 1999 to June 10, 1999 June 14, 1999 to June 18, 1999 July 8, 1999 July 11, 1999

<p>Special Condition 21 - processing waste oil while the scrubber system is not operating properly</p>	<p>May 14, 1999  May 17, 1999 to May 21, 1999  June 7, 1999 to June 10, 1999  June 14, 1999 to June 18, 1999  July 8, 1999  July 11, 1999  November 9, 1999  December 9, 1999  December 22, 1999  December 24, 1999  December 27 to December 30, 1999  February 6, 2000  March 6 to March 9, 2000  March 12 to March 21, 2000</p>
<p>Special Condition 32 - not conducting chemical treatment of waste material "in accordance with methods, procedures, and specifications accepted by the Division"</p>	<p>May 14, 1999  May 17, 1999 to May 21, 1999  June 7, 1999 to June 10, 1999  June 14, 1999 to June 18, 1999  July 8, 1999  July 11, 1999  November 9, 1999  December 9, 1999  December 22, 1999  December 24, 1999  December 27 to December 30, 1999  February 6, 2000  March 6 to March 9, 2000  March 12 to March 21, 2000</p>
<p>Special Condition 37 - not maintaining a minimum flowrate to the caustic scrubber of 85 gallons per minute</p>	<p>November 9, 1999  December 22, 1999  December 24, 1999  December 27 to December 28, 1999  December 30, 1999 to February 6, 2000  March 6 to March 9, 2000</p>

Special Condition 42 - not maintaining the required minimum control efficiency due to scrubber outages	May 17, 1999 to May 21, 1999 June 7, 1999 to June 10, 1999 June 14, 1999 to June 18, 1999 July 8, 1999 July 11, 1999 November 9, 1999 December 9, 1999 December 22, 1999 December 24, 1999 December 27 to December 30, 1999
Special Condition 44 - not maintaining the caustic addition feed rate to the caustic scrubber solution at 1.05 gallons per minute while processing occurred	May 17, 1999 to May 21, 1999 June 7, 1999 to June 10, 1999 June 14, 1999 to June 18, 1999 July 8, 1999 July 11, 1999 November 9, 1999 December 9, 1999 December 22, 1999 December 24, 1999 December 27 to December 30, 1999
Special Condition 45 - not maintaining the blowdown rate from the caustic bed scrubber at a rate of at least 7.5 gallons per minute	May 17, 1999 to May 21, 1999 June 7, 1999 to June 10, 1999 June 14, 1999 to June 18, 1999 July 8, 1999 July 11, 1999 August 23, 1999 December 9, 1999 December 27, 1999 December 30, 1999 to February 6, 2000 March 12 to March 19, 2000
Special Condition 49 - not maintaining a carbon adsorber replacement log	April inspection

Special Condition 50 - not maintaining a written log for scrubber system parameters.	Scrubber log could not be produced for July 13, 1999 to July 26, 1999 period, and did not keep all required log entries on:  November 19, 1999 November 29, 1999 December 17, 1999 December 21, 1999
Special Condition 53 - not maintaining an acid and caustic log, and to provide it upon request.	Log could not be provided during March 27-29, 2000 multi-media inspection
Special Condition 55 - not maintaining a processing log tank temperatures, the amounts of chemicals added, and gallons treated	Log could not be provided during March 27-29, 2000 multi-media inspection
Special Condition 59 - processing waste material by way of acidification while the scrubber system is not operating properly	May 14, 1999 May 17, 1999 to May 21, 1999 June 7, 1999 to June 10, 1999 June 14, 1999 to June 18, 1999 July 8, 1999 July 11, 1999 November 9, 1999 December 9, 1999 December 22, 1999 December 24, 1999 December 27, 1999 to February 6, 2000 March 6 to March 9, 2000 March 12 to March 21, 2000
Processing tanks 26 through 30 installed without Wayne County installation permit	From date of installation through March 29, 2000
Gas-fired boiler installed without Wayne County installation permit	From date of installation through March 29, 2000
Special Condition 24 - H <sub>2</sub> S emission limit	September 18, 1995 stack test to present
Special Condition 25 - VOC emission limit	September 18, 1995 stack test to present

Section 114 request, received by Sybill on July 22, 2000	Sybill responded on October 4, 2000, after the due date of August 21, 2000 (An Administrative Order was issued on September 14, 2000 to compel a response)
Section 114 request, received by Sybill on May 4, 2001	
Conduct VOC and H2S emissions testing within 60 days. Submit test reports within 30 days of testing.	Test by July 3, 2001; submit report by August 2, 2001
Submit a scrubber parameter monitoring plan within 45 days.	Submit by June 18, 2001
Implement H2S emissions monitoring within 45 days. Submit report within 30 days of concluding 30 days of monitoring.	Implement by June 18, 2001
Answer specific questions within 90 days	Respond by August 9, 2001

E. Application and Analysis

F. Analysis of Strengths and Weaknesses of Evidence

G. Additional Evidentiary Support

Need Wayne County staff reports for permit reviews, inspection reports, etc. This file information has not been available due to litigation in County Court.

H. Agency Interpretation and Case Law

I. Relevant EPA Guidelines and Policies

J. Authorized and Delegated Programs

The 1985 Wayne County Ordinance, Chapter 4: Air Use Approval and Permits, was "not acted upon" in the May 13, 1993 *Federal Register*. It is probably not federally enforceable. However, Rule 201: Air Use Approval, was incorporated into the Michigan SIP in 1980. This rule applies to all sources of "air contaminants." The rule contains no

language that restricts its applicability in Wayne County. Attachment.

Michigan Department of Environmental Quality has a contract with Wayne County to review permit applications, and if they are major sources, to issue permits from Lansing. Attachment. Normally, MDEQ does not enforce “minor” sources in Wayne County, leaving that responsibility to Wayne County.

40 CFR § 52.23 prohibits the violation of any permit condition if the permit was issued pursuant to an approved permit program. This applies to both construction and operating permits, issued pursuant to an approved SIP. Violating such permit conditions, therefore, constitute a violation of the SIP and the Act.

The permit requires the operation of a scrubber system, with a stack emission limit of 0.01 pounds per hour and 103 pounds per year. The permit does not contain fugitive emission limitations, but it has special conditions governing work practices, operating parameters, scrubber performance requirements, recordkeeping, etc. The scrubber will effectively limit emissions to minor source levels, but only if it is known to be working properly.

Michigan’s Rule 901, which pertains to nuisances, is not federally enforceable. Wayne County continues to get odor complaints. Since 1993, Wayne County has issued about 130 letters of violation or notices of violation to Sybill. Most of these were in response to verified odor complaints.

MDEQ has also delegated NSPS and NESHAP programs to Wayne County by means of the annually renewable contracts. Attachment. The package boiler is subject to NSPS Subpart Dc. The boiler was installed without a permit, in violation of Rule 201. Sybill likely failed to submit construction notices required by 40 C.F.R. § 60.7.

- K. Superseding Cites and Preambles
- L. Jurisdiction and Venue
- 9. **Anticipated Defenses (legal and equitable) and Government Responses:**
  - A. Anticipated Defenses

Sybill may argue that Wayne County does not have authority to issue permits under Michigan’s Rule 201, so that the permit was issued pursuant to the County Ordinance, which is not in the SIP. It will further argue that this facility is a minor source that falls under the Wayne County ordinance only, in spite of Wayne County’s contract with the state giving it authority to implement Rule 201. Sybill may also argue that “processing” refers to treating tanks with acid only, although a less narrow definition would include

transfers and other forms of treating. For example, materials may be treated simply by “storing” them in a tank so that oil and water can slowly separate.

Sybill may argue that the emission limits are unreasonably low, and without technical justification. (We need the Wayne County Staff Report for the permit, which has been unavailable due to Wayne County’s litigation with Sybill.)

B. Factual Information Favorable to the Defendant

The stack test performed in 1995 showed exceedances of the construction permit. Although the emission rates were in excess of permit limits, the limits are very low. For VOC, for example, the annual VOC limit is only 103 pounds per year. Wayne County did not press Sybill to conduct inlet/outlet testing to determine the scrubber system control efficiency.

Even in violating its permit, Sybill emits low levels of contaminants. **Table 1.** This would add credence to an argument that the environmental impact associated with stack emissions in 1995 was not significant, and may be used by Sybill to argue for penalty mitigation. This actually belies the true significance of the case. Since the stack test, the facility has not operated the scrubber system as designed, nor has it observed permit conditions.

Wayne County did not issue a Notice of Violation for the violations documented by the 1995 stack testing, nor did it ask for additional stack testing to confirm the emission rates of particulate matter and hydrogen sulfide. It also did not ask Sybill to conduct both inlet/outlet testing to fully characterize the scrubber’s performance, as required by the effective permit.

C. Bankruptcy Petitions

10. **Enforcement History of Defendant and Pre-Referral Negotiations:**

A. Relationship of Referral to Previous or Concurrent Cases or Actions

Wayne County Air Quality Management Division (Wayne County) has been pursuing an action in County Court in recent months. Wayne County sought an injunction to shut down Sybill pending resolution of issues surrounding the odor impacts and permit compliance. Sybill has challenged Wayne County and State of Michigan odor nuisance rules by arguing that these provisions are vague and, therefore, unconstitutional. There have been several court hearings, at which numerous Wayne County staff testified, but no decision has been forthcoming. It is not clear whether this court proceeding will address issues of interest to the Federal Government, namely, obtaining injunctive relief for permit violations, addressing quality of life for an environmental justice community, and

the assessment of appropriate civil penalties.

B. Prior Enforcement History of Defendant and Facility

Since the early 1990's, Sybill has caused a large number of odor nuisance complaints. Wayne County has investigated hundreds of complaints, leading to numerous notices of violation. Over the years, Wayne County has had both formal informal discussions with Sybill staff and management. Sybill has taken some steps, including installation of the existing scrubber system in 1995. This was installed pursuant to a Wayne County construction permit issued on December 12, 1994. Wayne County issued an additional construction permit on August 21, 1995 to cover the operation of several storage tanks of oils and wastewaters. On August 12, 1997, Wayne County issued a revised permit letter to Sybill, Inc Attachment. An agreement between Sybill and Wayne County to address odor complaints by addressing housekeeping, malfunction abatement, and work practices, was memorialized in a consent consent order executed by Wayne County on March 20, 1995. Sybill paid a civil penalty of \$15,500. Attachment.

On March 1, 1995, EPA conducted a Clean Air Act inspection at Sybill as a part of a multi-media investigation. EPA had found that some of the permit conditions were not being observed by Sybill employees. For example, the flow rates to the venturi scrubbers and the pressure drops were not being measured. At the time of the inspection, only the venturi scrubbers had been installed. The packed bed caustic scrubber and the two carbon adsorbers had not yet been installed.

As a result of the 1995 investigation, EPA found that the company had received and processed hazardous wastes as part of its waste processing stream. Sybill entered into a RCRA administrative order and paid a civil penalty.

C. Criminal Proceedings

D. Contacts with Permits, Grants and Reinvention Offices

E. Recent Contacts with Defendant by EPA

On July 19, 2000, EPA, Region 5's Air and Radiation Division issued a Section 114 information request to obtain operating records and other information from Sybill. Since it did not respond, EPA issued an administrative order on September 14, 2000. Sybill, after requesting and receiving an extension request from EPA for submitting a delayed response, finally submitted a response on October 3, 2000.

On September 29, 2000, the Air and Radiation Division issued a Notice of Violation to Sybill. Company representatives contacted EPA to discuss procedural questions, and to suggest it may have additional information to submit in response to the NOV. Sybill did

not formally request a 113 conference.

F. Pre-Referral Negotiations/Executive Order Notice

**11. Relief Sought:**

A. Steps to be Taken by Defendant to Achieve Compliance

The injunctive relief we seek falls into several categories:

1. Scrubber system improvements and maintenance, or replacement with an appropriate alternate technology, to enable compliance with applicable permit conditions,
2. Stack testing to demonstrate compliance with permit limits for stack emissions,
3. Commitment and plan for complete recordkeeping to enable compliance with applicable permit conditions,
4. Applications for construction permits covering a package boiler and process equipment to comply with Michigan Rule 201.

Sybill must develop and/or improve a preventative maintenance and malfunction abatement plan for its scrubber system. Any additional repairs must be made to assure reliable and continuous operation. Wayne County's contractor, Horizon Environmental, evaluated the facility and made specific recommendations for capital improvements, including a redesign of the scrubber system. Attachment.

Costs and schedules for scrubber repair are unavailable to us at this time, but Sybill has already initiated a repair program, and, as of March 2000, it had already completed much of the repairs. This repair work was needed due to corrosion of the carbon steel ductwork used in the original scrubber installation. The hydrogen sulfide in the exhaust steam appears to be the cause of this corrosion. Wayne County may find it necessary to re-issue the construction permit to assure proper monitoring of scrubber performance, installation of any needed equipment, or other necessary capital improvements

Sybill needs to re-test for emissions of VOC and hydrogen sulfide to show compliance. Stack testing should include reference method 25D or equivalent method that allows measurement of VOCs and HAPs from waste materials, as EPA specified in its latest 114 request. Attachment. The purpose of this testing is to assure proper performance of the scrubber system and to verify its minor source status. There are probably fugitive emissions from the building as well. Emissions points could include the doorway and holes in various parts of the building. By using total temporary enclosure Method 204,

which provides the criteria for assuring that all such emissions are captured and measured, we will assure that all emissions that may be reasonable captured for control are accounted for and controlled. Attachment.

We recommend an effort to compel Sybill to provide better controls the fugitives as described in the Horizon Environmental report. Although such an effort would not be related to a federally enforceable requirement, there would be a strong community interest in pursuing it, not to mention the support we could give to Wayne County in addressing state and local nuisance laws. Odor controls in this instance, however, would not qualify as supplemental environmental project (SEP) since SEPs cannot be used for correcting violations of state and local laws.

Sybill has a history of sloppy and incomplete recordkeeping. It needs to prepare (or review and update) a management system, including documented training of process operators, to assure compliance. Sybill should not object to this because it needs ISO 14001 certification, and as of April 2000, it was seeking it. Some of Sybill's customers, most notably General Motors Corporation, requires its vendors to develop environmental management systems.

For NSPS Subpart Dc compliance (for the new package boiler), Sybill will be required to retroactively submit a construction permit application to Wayne County. Wayne County also believes that process equipment used for distillation was also installed without a required permit.

An engineering analysis, including a third party review of Sybill's sampling plan, is needed to show whether Sybill is subject to the offsite waste processing MACT rule at 40 C.F.R. Part 63, Subpart DD. During the inspection, George Haratsaris, the plant manager, seemed unaware of the MACT rule, even though he seemed well versed in hazardous waste regulatory issues. The plant's waste management plan makes use of waste stream analyses using EPA's SW-846 methods.

## B. Penalties Sought in Litigation

### 1. Statutory Maximum Amount

The statutory maximum was calculated based upon two emission violations (based on stack testing for VOCs and hydrogen sulfide), failure to properly maintain pollution control equipment, failure to keep records, failure to submit a permit application for the boiler, for a total of 5 violations per day. Using the Clean Air Act penalty authority of \$27,500/day/violation, the statutory maximum is, therefore, \$137,500/day for the alleged violations. Attachment.

### 2. Significant Penalty Considerations

The most significant penalty consideration is the economic benefit associated with the failure to install appropriately sized scrubber equipment since the stack test in 1995 indicated violations of the emissions limits contained in Sybill's construction permit. Using the BEN model, we calculate a benefit of \$73,000. Attachment. Other penalty considerations, which are related to the gravity component, are summarized below:

Amount above standard -	\$50,000
Sensitivity to the environment -	\$5,000
Length of time of violations -	\$60,000
Importance to the regulatory scheme -	\$45,000
Size of violator -	\$10,000

Total gravity and economic benefit total \$243,000.

### 3. Present Financial Condition of Defendant

See Dun & Bradstreet report. Attachment. Recent discussions with Wayne County personnel and correspondence issued by the City of Detroit indicate that Sybill has not paid its water bills, nor civil penalties under a consent order with the City of Detroit for violations related to water discharges under its pretreatment permit. Attachment. The City is said to have responded by shutting off its sewer pipe.

- C. Settlement Bottom Line Penalty
- D. Settlement Status and Potential

### 12. Case Development:

- A. Document Inventory
- B. Local Agency Documents

Wayne County has an unknown amount of documentation, including staff reports for permits issued to Sybill, associated permit applications, inspection reports, and records of public complaints, that it is using in its litigation with Sybill. EPA has not had full access to these documents.

- C. Agency data and databases

### 13. Attachments:

- A. Index of Attachments:

1. Diagram of Facility and Process Description
2. Dun & Bradstreet Report
3. Revised construction permit issued by Wayne County, December 12, 1994
4. Revised construction permit issued by Wayne County, August 12, 1997
5. Clean Air Act Inspection Report, February 15, 2001
6. Stack test report by Swanson Environmental, September 30, 1995
7. Michigan SIP rules, May 6, 1980 Clean Air Act
8. Section 112 list of regulated Hazardous Air Pollutants (HAPs)
9. EPA Notice of Violation, September 29, 2000
10. Contract between MDEQ and Wayne County, October 1, 1996
11. Odor Inspection And Evaluation report prepared by Horizon Environmental, September 6, 2000
12. Penalty Analysis/Calculation and BEN Printout
13. EPA 114 request issued to Sybill, July 19, 2000
14. Sybill's letter regarding EPA's information request, May 23, 2000
15. City of Detroit demand letter for payment of civil penalties and overdue water and sewerage bills, June 29, 2000.

Documents not cited in TSD above:

Engineer's Checklist for NOV, September 21, 2000

SRS package submitted to Sue Brauer containing monthly oil sample reports and operator logs, April 14, 2000

Wayne County letter with enclosed NOVs, LOVs, Sybill responses, June 1, 2000

EPA 114 request issued to Sybill, July 19, 2000

EPA Administrative Order requiring Sybill to respond to the 114 request

Sybill's response to the 114 request, October 3, 2000

Toxicity Characteristic Leachate Procedure (TCLP)

Test methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, (On-Line Version)

---

mm:SYtsd  
8/3/01 version

Michael Valentino

09/19/02 08:59 AM

To: Joseph Boyle/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA

cc: Sue Brauer/R5/USEPA/US@EPA, Thomas Martin/R5/USEPA/US@EPA

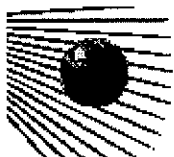
Subject: Sybill -- contractor support

Joe and Lorna:

As part of the River Rouge oil spill investigation in the Detroit-Dearborn area this past Spring, Region 5 Emergency Response Branch conducted a site assessment at the Sybill, Inc. (SRS) facility in Detroit. (Report prepared by Weston, under START contract; dated 8/27/02). ERB findings do not implicate Sybill in the oil spill, but the report calls for --- correctly in my estimation --- a more detailed investigation in order to assess human health and environmental risks. The site has been abandoned for some time. City of Detroit DWSD staff have told Sudhir Desai, WD, that the facility's local wastewater discharge permit was revoked on 8/24/01, and that there has been no detectable activity (i.e., ww discharges) since 8/15/01. I visited the facility this past March (see excerpted comments to MMI team members below), and found it to be locked and vacant. I was not able to enter the property, but the fences appeared secured at the time. When Emergency Response & Weston were onsite in April 2002, there was evidence of vandalism and trespassing. There are hazardous chemicals remaining onsite, including 35% hydrogen peroxide and sodium hypochlorite, both of which are caustic and pose dermal/inhalation threats, and unsecured gas cylinders (hydrogen, oxygen, nitrogen). Sybill also left behind unlabeled drums and GM conducted a partial removal (historically, they've been the largest used oil supplier to Sybill), but according to the Weston report, as much as 300,000 gal remain onsite. The report documents evidence of spillage, oil/sludge in manholes and in scale pit in the process bldg, presence of methane buildup in one manhole, unsecured materials in the lab and process area, leaks in the pump house, lack of site security, and at least one leaking tanker. ERB concludes that, consistent with criteria in the NCP, the site poses actual or potential exposure risks to humans and hazardous substances in drums, tanks, containers potentially pose a release threat. Sue and I have discussed the need to get onsite and conduct sampling: total halogens, PCBs, F001/F002 scans. Such a sampling effort could run upwards of \$35,000 - \$40,000. I've spoken with Ross Powers, OSC, Grosse Ile, and Ross sees the site as a candidate for removal and brownfield development. There's the possibility that OSF can use its START contractor to conduct RCRA sampling/analysis, but this has not been confirmed. As it stands, with Sybill's owner seeking personal bankruptcy protection, the facility left abandoned, and the likelihood of finding viable PRPs (GM, among others), the current and potential site risks would seem to warrant turning this over to CERCLA for a removal action. That leaves us with the question, Do we still want to pursue a RCRA used oil case administratively or judicially? And, Do we want to approach ECAT with a request for REPA support, or should we actively seek OSF's help in meeting our sampling needs? Today, Sue, Tom Martin and I will meet to discuss strategy. Once Lorna returns, I believe we should meet to reach some conclusions on our enforcement strategy. I'm working now with Powers and MDEQ (RCRA personnel and criminal enforcement) to organize a site inspection (reconnaissance + sampling), tentatively set for late October.

---- Mike

Excerpt from 6/6/02 memo to Sybill team (following site surveillance):



**Jason El-Zein**

09/19/02 09:05 AM

To: Michael Valentino/R5/USEPA/US@EPA

cc: Lorna Jereza/R5/USEPA/US@EPA, Ross

Powers/R5/USEPA/US@EPA, Sue Brauer/R5/USEPA/US@EPA,

Thomas Martin/R5/USEPA/US@EPA

Subject: Re: Contractor needs for Sybill, Inc.

Mike, due to limited START funding, we will only be able to conduct a site assessment to document threats and determine if a removal action is warranted. Thanks.  
Michael Valentino

**Michael Valentino**

09/18/02 05:17 PM

To: Jason El-Zein/R5/USEPA/US@EPA

cc: Ross Powers/R5/USEPA/US@EPA, Sue

Brauer/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA,

Thomas Martin/R5/USEPA/US@EPA

Subject: Contractor needs for Sybill, Inc.

Jason:

When we spoke last week Ross told me to contact you or Ralph Dollhopf with any questions while he's out of the office this week. I'm the multimedia team leader for the Sybill multimedia case. Ross passed along to me the Sybill site inspection report, as part of the River Rouge oil spill investigation. I concur with the report's preliminary findings that the site poses human health and environmental risks and that further assessment is warranted. As the RCRA enforcement contact and team leader, I have worked with Sue Brauer, Region 5 used oil expert, the past two years in developing a RCRA case against Sybill. Developments over the past 9-10 months, due to Sybill's financial woes, are causing us to re-think our enforcement strategy. Earlier today I sent an email to MDEQ and Ross, as I'm trying to coordinate a site investigation between the two agencies. We'll need a sampling team and funding for lab analysis, to be sure. Ross mentioned the possibility of using an OSF START contractor. There's also the possibility of using a REPA contract, which provides for tech support to RCRA Enforcement and Permitting branches. From the RCRA-used oil side we will need to confirm whether used oils have been mixed with listed RCRA wastes (F001/F002 scans) along with total halogens for each tank. I'll need to check with my management to see if they'd be willing to approach the Enforcement and Compliance Assurance Team for funding ---- which may total as much as 35-40K ---- if there is a relatively high probability of referring this site to CERCLA for a removal action. If we do not get the green light for contractor assistance, can the START contractor perform the necessary RCRA confirmatory sampling? Sue and I can work closely with Ross to identify our specific data needs. Please reply as soon as it's convenient for you. Thank you, Jason.

---- Mike

Michael Valentino  
Environmental Engineer  
U.S. EPA Region 5  
RCRA Enforcement and Compliance Assurance Branch  
Mail Code DE-9J  
77 W. Jackson Blvd  
Chicago, IL 60604-3590  
direct: (312) 886-4582  
fax: (312) 353-4342  
cell: (708) 870-4638  
Email: [valentino.michael@epa.gov](mailto:valentino.michael@epa.gov)

**STATE OF MICHIGAN**  
**IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

**SYBILL, INC.,**

**Plaintiff,**

**Case No. 00-010639-CZ**

**vs.**

**Judge Kathleen MacDonald**

**COUNTY OF WAYNE, including its  
DEPARTMENT OF ENVIRONMENT,  
AIR QUALITY MANAGEMENT DIVISION,**

**Defendant.**

**and  
CHARTER COUNTY OF WAYNE,**

**Counter-Plaintiff,**

**vs.**

**SRS ENVIRONMENTAL, INC., a  
Michigan corporation, a/k/a SYBILL,  
INC.,**

**Counter-Defendant.**

**ORDER ENTERING DEFAULT  
AND DEFAULT JUDGMENT**

**00-010639 CZ 3/31/00**

**JDG: KATHLEEN MACDONALD**

**SYBILL INC**

**vs**

**WAYNE COUNTY**

**JOHN G. COUTILISH (P40562)  
JOHN G. COUTILISH, P.C.  
Attorney for Plaintiff/Counter-Defendant  
5750 New King Street, Suite 275  
Troy, Michigan 48098  
(248) 375-1000**

**GORDON S. GOLD (P14087)  
KATHRYN A. BUCKNER (P50076)  
BETH S. GOTTHELF (P38951)  
SEYBURN, KAHN, GINN,  
BESS AND SERLIN, P.C.  
Co-Counsel for Defendant/Counter-Plaintiff County of Wayne  
2000 Town Center, Suite 1500  
Southfield, Michigan 48075  
(248) 353-7620**

**EDWARD EWELL, JR. (P38962)  
MARY ROSE MacMILLAN (P32685)  
WAYNE COUNTY  
CORPORATION COUNSEL  
Attorneys for Defendant/Counter-Plaintiff  
415 Clifford Street, Seventh Floor  
Detroit, Michigan 48226  
(313) 224-6678**

SEYBURN, KAHN, GINN,  
BESS AND SERLIN  
PROFESSIONAL CORPORATION  
2000 TOWN CENTER, SUITE 1500  
(248) 353-7620

**ORDER OF DEFAULT JUDGMENT**

At a session of said Court, held in the  
Coleman A. Young Municipal Center,  
City of Detroit, County of Wayne,  
State of Michigan, on SEP 14 2001

**PRESENT: HON. KATHLEEN MACDONALD**  
**CIRCUIT COURT JUDGE**

The Court has considered the pleadings and other papers filed in this matter, including without limitation the Verified Complaint for Declaratory Relief, the Verified Counterclaim, the Motion for Preliminary Injunction and Brief in Support of Motion for Preliminary Injunction, and Motion for Entry of Default and Default Judgment; and has heard and evaluated the witness testimony and other evidence presented by the parties at the evidentiary hearing on the Motion for Preliminary Injunction.

**IT IS ORDERED, ADJUDGED, AND DECREED** as follows:

1. Defendant/Counter-Plaintiff's Motion for Entry of Default and Default Judgment is GRANTED.
2. Plaintiff/Counter-Defendant has defaulted in this matter under MCR 2.603.
3. **DEFAULT JUDGMENT IS ENTERED** in favor of the Defendant/Counter-Plaintiff on the Verified Counterclaim.
4. Plaintiff/Counter-Defendant, its principals, officers, successors, and assigns, are hereby ENJOINED from engaging in any treatment, recycling, storage, processing, handling, or disposal activities at 111 S. Military Street, Detroit, Michigan, or engaging in any other activity, including without limitation loading, unloading or other handling of materials, that emits or has the potential to emit an air contaminant, until such time as all permits, licenses, and approvals

SEYBURN, KAHN, GINN,  
BESS AND SERLIN  
PROFESSIONAL CORPORATION  
3000 COVINGTON CENTER SUITE 1500  
ANN ARBOR, MICHIGAN 48106  
(248) 353-7620

required by all applicable laws, regulations, and/or ordinances, including without limitation all air use permits, licenses, and approvals required by Part 55 of the Michigan Natural Resources and Environmental Act, MCL 324.5501 *et seq.*, and any applicable provision of the Wayne County Code of Ordinances, are applied for, received, and in full effect.

5. Plaintiff/Counter-Defendant is ORDERED to pay to Defendant/Counter-Plaintiff a civil fine in accordance with Section 89-266 of the Code of Ordinances in the amount of Two Hundred Thirty-One Thousand and No Cents (\$231,000.00), together with attorneys' fees to be taxed in accordance with Section 89-266(3)(3) of the Code of Ordinances, with execution.

6. The Verified Complaint filed by Plaintiff/Counter-Defendant is DISMISSED with prejudice.

IT IS SO ORDERED.

**KATHLEEN MACDONALD**

KATHLEEN MACDONALD  
CIRCUIT COURT JUDGE

A TRUE COPY  
CATHY M. GARRETT  
WAYNE COUNTY CLERK

BY  DEPUTY CLERK

SEYBURN, KAHN, CINN,  
BESS AND SERLIN  
PROFESSIONAL CORPORATION  
4000 TOWN CENTER SUITE 1500  
(248) 353-7620

**Fink, Zausmer & Kaufman**

A PROFESSIONAL CORPORATION

2430 First National Building  
 Detroit, MI 48226-3535  
 (313) 963-3873 Fax (313) 961-6879  
 www.lawsire.com

Farmington Hills Office  
 31700 Moundview Road  
 Suite 150  
 Farmington Hills, MI 48334-2  
 (248) 851-4111  
 Fax (248) 851-0150

Lawing Office:  
 721 N. Capital, Suite 2  
 Lansing, MI 48906-5163  
 (517) 376-2235  
 Fax (517) 487-0372

David H. Rux  
 Mara J. Zausmer  
 Avery K. Williams  
 Richard C. Kaufman  
 Michael L. Caldwell  
 Ruben Acosta  
 Cary A. Auger

Thomas A. Bishop  
 Mischa M. Gibbons  
 Michael C. Lewis  
 Arty M. Simer  
 Marcus A. Williams

Of Counsel  
 David A. Domzal  
 El Grier  
 John T. Pomeroy, Jr.  
 Alan D. Wasserman  
 Harvey I. Weiss

\*State admitted in Florida and Ohio  
 \*\*State admitted in District of Columbia

July 14, 2001

VIA FACSIMILE

Peter W. Macuga, II  
 Macuga & Liddle, P.C.  
 Suite 1520 Ford Building  
 615 Griswold Street  
 Detroit, MI 48226

Kathryn A. Buckner  
 Scyburn, Kahn, Ginn, Bess & Serlin, P.C.  
 5683 Timberidge Drive  
 West Bloomfield, MI 48324

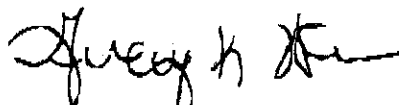
Re: City of Detroit v. Sybill, Inc.  
 Our File No. 2318

Dear Mr. Macuga and Ms. Buckner:

Enclosed is a copy of correspondence that went to Bill Madias at SRS Environmental regarding Sybill's non-compliance with various consent orders and the Department's monetary demands with respect to its current litigation against Sybill, Inc. To date, Sybill has not responded to this correspondence other than through a financial workout expert. The Department fully intends to enforce this order. If you have any questions, please call me.

Very truly yours,

FINK, ZAUSMER & KAUFMAN, P.C.



Avery K. Williams

AKW/cbw  
 Enclosure

cc: Stephen J. Kuplicki, Esq.  
 Ms. Rosam George



CITY OF DETROIT  
WATER AND SEWERAGE DEPARTMENT  
INDUSTRIAL WASTE CONTROL DIVISION

303 S. LIVERNIA AVENUE  
DETROIT, MICHIGAN 48203  
PHONE 313-297-2400  
FAX 313-297-0439  
WWW.CITYOFDETROIT.MI.GOV

Certified Mail

June 29, 2001

Mr. Bill Madius  
Sybill, d.b.a. SRS Environmental  
3345 Greenfield Rd.  
Melvindale, MI 48122

Dear Mr. Madius:

RE: Notification to Discontinue Discharge

In accordance with Article F.18, General Provisions of the Amended and Restated Consent Judgement, Sybill Inc. has defaulted in the payment of monies, interest, costs and fees payable under the judgement. You are hereby notified that all payments, unpaid interest, costs or fees become immediately due and payable upon receipt of this notice.

As of June 29, 2001, Sybill, d.b.a. SRS Environmental, has defaulted on the following obligations under the Consent Judgement:

1.	Consent Judgement	
	February 2001 Payment	\$ 9,661.30
	Interest on 2/01 quarterly payment (Through 6/29)	\$ 714.67
	May 2001 Payment	\$ 9,661.30
	Interest on 5/01 quarterly payment (Through 6/29)	\$ 290.63
	Outstanding Balance of Consent Judgement	\$ 125,596.83
2.	Stipulated Penalties	\$ 322,500.00
3.	Water & Sewage, Surcharge Bills	\$ 481,173.53
Total		\$ 949,598.26

Walter W. Ascher, Mayor

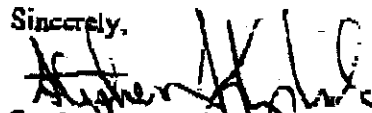
Sybill, d.b.a. SRS Environmental  
June 29, 2001  
Page 2

In accordance with the terms and conditions of Article F.18, you have seven (7) days from the date of receipt of this notice to cure this default.

As of Friday, June 29, 2001, more than thirty (30) days has elapsed in the payment of stipulated penalties and monies, interest, costs and fees payable under the judgement. Therefore, in accordance with Article B.9.c of the Amended and Restated Consent Judgement, Sybill, Inc. is hereby given notice that it is to discontinue all discharges of wastewater to the Detroit Sewer system "...until further order of the DWSD and the Court...".

This notification to discontinue all discharge is effective immediately upon receipt. If you do not cease discharging voluntarily, action will be taken to terminate your discharge.

Sincerely,



Stephen J. Kuplicki, P.E.  
Manager, Industrial Waste Control Division

cc: G. Fujita  
I. Halach/T. George  
A. Williams  
File

**DETERMINATION/CHEMICAL ANALYSIS OF  
POLYCHLORINATED BIPHENYLS (PCBs) FOR THE  
TOXIC SUBSTANCES CONTROL ACT (TSCA) REGULATION OF 40 CFR 761**

**TOXICS PROGRAM SECTION, U.S. EPA (DT-8J)  
77 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604**

**APRIL 2000**

**I. INTRODUCTION**

PCBs are sampled and determined

1. to categorize materials as to being TSCA regulated or non-regulated for their use, handling, storage and disposal
2. during TSCA PCB inspections to determine if a facility's authorized use, handling, storage and disposal practices comply with the federal PCB Regulations at 40 CFR 761.
3. during subsequent verification of the TSCA regulated remediation of PCB spills/contamination
4. as required by TSCA permitted storage and disposal activities.

The 40 CFR 761 regulation requires the identification/quantification of PCBs as total PCBs based either on formulation (ex. Aroclors) of PCBs present in the materials analyzed, or based on individual congener standards, whichever is appropriate. Guidance\* for these TSCA PCB determinations is desirable because

1. there are many relevant TSCA PCB concentration standards for regulatory compliance
2. total PCBs, by regulation, are to be reported on a dry weight basis (non-liquid PCBs) or on a wet weight basis (liquid PCBs). PCB determinations are to be done using individual phases of any multi-phasic sample. These requirements often differ from other U.S. EPA programs (Clean Water Act, RCRA, etc.)

**\* - This guidance is written to improve understanding of TSCA PCB determination objectives. This guidance is NOT a replacement for regulation.**

3. the subject regulation specifies a standard wipe test, as required for non-porous surfaces
4. the regulation is very flexible as to choice of PCB test procedures for certain measurements, but is very specific/inflexible in selection of PCB test procedures pursuant to the June 29, 1998 Amendments to 40 CFR 761
5. the environmental laboratory community can be unfamiliar with analytical requirements/data quality objectives unique to TSCA regulated PCB measurements.

This guidance can not be used as a substitute for regulation. It is written to expedite the selection of appropriate analytical methods for determining total PCBs for TSCA purposes.

## **II. APPLICABLE TECHNICAL STANDARDS**

TSCA regulates the use, storage, and disposal of PCBs. TSCA enforcement activities can result from their improper use, storage and disposal or spills. TSCA has many relevant PCB concentration standards for regulation compliance. These standards will be described below as

“Action Levels”, because TSCA regulatory action will/can be taken if PCB concentrations exceed these regulatory levels. Decisions to be made by TSCA data users are based on the relation of sampling/analytical measurements to applicable Action Levels (a pass-fail decision). The term “Action Level” is taken from Section A6.2(2) of “EPA Guidance for Quality Assurance Project Plans, EPA QA/G-5”, EPA/600/R-98/018, February 1998. An Action Level concentration, corresponding to regulatory standards/criteria of 40 CFR 761, is the fifth step of EPA’s seven step Data Quality Objective (DQO) process - see Section 7.2 of EPA QA/G-5. Documents for EPA QA Guidance/Requirements can be read or downloaded from EPA’s internet website at <http://es.epa.gov/ncerqa/qa/>. The sixth and seventh steps of this process are to specify/minimize limits of decision errors, and to optimize the study design, at Action Level concentration(s), respectively. It is imperative that analytical measurements be optimized for accuracy at an applicable TSCA PCB Action Level.

In a few instances, TSCA regulates a material’s approved use and disposal at any detected PCB concentration. These include, but are not limited to:

- Dilution of regulated PCBs
- Imported PCBs or PCB items
- Waste oil used as a sealant, coating, dust control, road oil, rust preventative, or pesticide/herbicide carrier

Used oil marketed for energy recovery is subject to restrictions if it contains any quantifiable level of PCBs [defined by 40 CFR 761.20(e) and 761.3 as 2 ppm PCBs]. Used oil, containing between 2 and 50 ppm PCBs, can only be used in certain boilers, furnaces, and incinerators defined by 40 CFR 279 or 761.20(e). A specialized Action Level range (2-50 ppm) is in effect for marketing of used oil for energy recovery.

### III. ACTION LEVELS

Specific PCB concentration Action Levels are summarized below to provide guidance in selection of sample preparation variables to optimize accuracy of PCB measurement. Applicable Action Levels should be understood or identified prior to sample collection and laboratory analysis. Accuracy of analysis at an Action Level concentration is more important than sensitivity of analysis, since TSCA decisions will be made based on pass-fail at the regulatory concentration.

#### A. Summary Table

PCBs are to be reported on a dry weight basis for solid or non-liquid sample types, and on a wet weight basis for liquids (containing <0.5% solids).

<u>Sample Type</u>	<u>Common Applicable TSCA PCB Action Levels*</u>
Soils	50, 25, 10, and 1 ppm
Sediments	50 ppm**
Oil (Electrical Fluids)	50 ppm
Oil, Used	2-50***, 50 ppm
Water	3 and 0.5 $\mu\text{g/l}$
Wipes	10 $\mu\text{g}/100\text{ cm}^2$

\* - Other PCB Action Levels exist for Oil (Electrical Fluids) (500 ppm), Oil (Marketed as PCB Free) (2 ppm), Soils (100 ppm), and Wipes (100  $\mu\text{g}/\text{cm}^2$ ), but these are not as frequently used as above Levels. PCB inspectors may require Action Levels, on a site specific basis, that differ or are smaller than those listed below, especially for river/harbor sediments.

\*\* - TSCA regulates sediments if >50 ppm PCBs; however, other non-TSCA, and TSCA regulations or water quality criteria/standards may apply to sediment concentrations <50 ppm PCBs.

\*\*\* - Used oil, burned for energy recovery, is regulated by TSCA if PCBs are present at a quantifiable level of 2 ppm or larger, but less than 50 ppm.

The 50 ppm Action Level is applicable to all oils. If oil is being re-used, recycled or burned for energy recovery, it is important to measure down to 2 ppm PCBs, or less.

**B. General Provision**

TSCA regulates PCBs or PCB items at concentrations of  $\geq 50$  ppm. PCBs at concentrations of  $\geq 50$  ppm require approved disposal.

Provisions that apply to PCBs at  $< 50$  ppm generally apply also to contaminated non-porous surfaces without free liquid, at PCB concentrations  $\leq 10 \mu\text{g}/100 \text{ cm}^2$  by the standard wipe test. See 40 CFR 761.1 (b) (3). Wipe test results of  $> 10 \mu\text{g}/\text{cm}^2$  to  $\leq 100 \mu\text{g}/\text{cm}^2$  also apply to PCB provisions between  $\geq 50$  ppm and  $< 500$  ppm. For PCB concentrations  $\geq 500$  ppm and wipe tests  $> 100 \mu\text{g}/100 \text{ cm}^2$ , approved disposal options may differ than the 50 ppm PCB disposal options.

Certain exceptions to the above are noted. Dilution of regulated PCBs below an Action Level without TSCA approval requires the diluted PCBs to be regulated/treated/disposed as their original concentration. Imported PCBs and PCB items and certain waste oil uses, identified above, are regulated at any detected PCB concentration. Used oil, marketed for energy recovery, has restricted uses for PCB concentrations between 2 and 50 ppm PCBs.

**C. Soils, Sediments**

Soils, contaminated by TSCA regulated PCB concentrations, will have Action Levels of 50, 25, 10, or even 1 ppm depending on their environmental setting and closeness to a human occupancy area. Action Levels of 25 or 10 ppm PCBs in soil most often result from TSCA PCB inspections. Remediation of soils can have cleanup levels of 50, 25, 10, or 1 ppm PCBs.

Disposal of river/harbor sediments, sewage sludge, and soil remediation waste with PCB concentrations greater than or equal to 50 ppm PCBs requires TSCA approval.

Soil remediation waste, sediments and sludges contaminated with a post-1978 source greater than 50 ppm PCBs is covered by TSCA if the contaminated solid media are less than 50 ppm PCBs. TSCA may defer to the U.S. Army Corps of Engineers (COE), EPA's Clean Water Act (CWA), RCRA, and/or State regulation.

Disposal of river/harbor sediments, sewage sludge, and soil remediation waste with PCB concentrations between 1 and 50 ppm PCBs, but contaminated from a

source less than 50 ppm PCBs, can be regulated by TSCA if the situation is not covered by the COE, CWA, RCRA or State regulation.

Self-implementing disposal of soil remediation waste (40 CFR 761.61) can have an Action Level of 100 ppm PCBs for self-contained capped waste, in addition to the 1 through 50 ppm Action Levels in the above first paragraphs.

PCB bulk product waste may be disposed in a RCRA Subpart D solid waste landfill at any concentration.

#### **D. Oil, Hydraulic Fluids, Electrical Fluids**

A TSCA Action Level of 50 ppm PCBs exists for use of oils (non-electrical fluids), hydraulic fluids, and used/waste oils; however, electrical fluids (transformers, capacitors, voltage regulators, etc.) are approved for most uses at any concentration of PCBs. Certain record keeping/labeling is required by TSCA for electrical fluids above 500 ppm PCBs.

Storage of oils and electrical fluids (when not in use) is regulated by TSCA if PCB concentrations exceed an Action Level of 50 ppm. Servicing of electrical fluids in transformers or voltage regulators are regulated by TSCA with Action Levels of 50 and 500 ppm PCBs.

TSCA regulates PCB concentrations in oils at less than 50 ppm as below:

- The dilution of a TSCA regulated PCB source into an oil causes the resulting mixture to be regulated as greater than or equal to 50 ppm PCBs.
- Waste oil at any PCB concentration is prohibited for road oil, dust control, coating, rust preventative or pesticide/herbicide carrier.
- Used oil, marketed for energy recovery, can only be used in certain boilers, furnaces or incinerators if PCBs are between 2 and 50 ppm. See 40 CFR 279 for additional provisions of RCRA for used oil.
- Used oil, burned for energy recovery and marketed as "PCB-free" must be supported by PCB analysis results (or other information) showing PCBs to be less than a quantifiable level of 2 ppm. See 40 CFR 761.20(e).
- Used oil with PCBs between 2 and 50 ppm PCBs may be recycled so long as there is no TSCA regulated source for these PCBs and so long as RCRA's provisions of 40 CFR 279 are met.

### E. Disposal of PCB Liquids

Disposal of liquids and oils, including electrical fluids, are regulated by TSCA if they contain more than or equal to 50 ppm PCBs. The following Action Levels exist for disposal of liquid PCBs:

- $\geq 500$  ppm PCBs                      Incinerator  
    Alternate Technology
- $\geq 50$  ppm PCBs                      Incinerator  
    High Efficiency Boiler  
    Alternate Technology

For TSCA approved alternate technology (chemical treatment, dechlorination, etc.). The maximum PCB concentration that can be treated is defined by each TSCA permit, as well as the final PCB concentration to achieve. The concentration of treated PCBs must be less than 2 ppm PCBs and often requires PCB congener or homolog analysis. PCB inspections of alternate technologies can review records required by permit(s) and can sample treated/untreated PCB liquids.

### F. Water

Groundwaters, surface waters, or process waters may be sampled during PCB inspections. Waters are usually sampled/tested for informational purposes. The following Action Levels do exist for waters:

1. Water may not be discharged to a navigable water or to a treatment plant unless PCBs are either  $<3 \mu\text{g/l}$ , or the discharge is in accordance with a NPDES permit limit.
2. Decontaminated water has TSCA unrestricted use if it contains  $<0.5 \mu\text{g/l}$  PCBs.

### G. Standard Wipe Test

The standard wipe test is defined in 40 CFR 761.123 for non-porous surfaces and is most commonly a gauze pad, presoaked with hexane (5-10 mls). Filter paper is not authorized to be used in the wipe test. The wipe test defines a spill area or regulated PCB concentration on a hard surface. A 10 cm x 10 cm template (100  $\text{cm}^2$ ) is used to define the area to be wiped/sampled.

1. After decontamination of a non-porous surface, due to a spill, the surface has unrestricted use if the PCB concentration is  $\leq 10 \mu\text{g}/100 \text{ cm}^2$ .

For a concrete surface this decontamination standard is the same, so long as decontamination procedures are commenced within 72 hours of an initial spill. See 40 CFR 761.79(b)(4). After 72 hours, bulk analysis of the concrete is required.

2. The standard wipe test defines the boundaries or clean-up area of a PCB spill (non-approved disposal) on a non-porous surface, or concrete if done within 72 hours of a spill.
3. In some instances, a standard wipe test result greater than  $10 \mu\text{g}/100 \text{ cm}^2$  has the same regulatory consideration as a PCB concentration of  $\geq 50 \text{ ppm}$ .
4. Metals sent to an approved smelter operation for disposal of a contaminated, non-porous surface must exhibit a wipe test PCB result less than  $100 \mu\text{g}/100 \text{ cm}^2$ .

#### IV. ANALYTICAL SPECIFICATIONS/OPTIONS

##### A. Regulatory Analytical Specifications

Per recent June 29, 1998 Amendments to 40 CFR 761.

1. - 40 CFR 761.1 (b) (2)  
Unless otherwise noted, PCBs are determined on a weight-per-weight basis (e.g., mg/kg or ppm). For a liquid, PCBs may be reported on a weight-per-volume basis (mg/l) if density of liquid is also reported. PCBs are quantified based on formulation of PCBs present in material tested - if a specific Aroclor is present in material studied, its concentration is determined by comparison to the same Aroclor standard. Individual congener PCBs are measured, when appropriate, by comparison to individual congener standards.

## 2. - 40 CFR 761.1 (b) (3)

Most provisions of 40 CFR 761 apply only if PCBs are present above a specified level. In some cases, provisions that apply to PCB concentrations <50 ppm apply also to contaminated non-porous surfaces with PCB concentrations  $\leq 10 \text{ mg}/100 \text{ cm}^2$ . PCB concentration provisions between 50 ppm and <500 ppm, in certain cases, apply also to contaminated non-porous surfaces between  $10 \text{ mg}/100 \text{ cm}^2$  and  $\leq 100 \text{ mg}/\text{kg}$ . Contaminated surfaces with PCBs  $>100 \text{ mg}/100 \text{ cm}^2$  correspond to PCB concentrations  $\geq 500 \text{ ppm}$ , as above.

## 3. - 40 CFR 761.1 (b) (4)

- a. PCBs are to be determined/reported on a dry weight basis for non-liquid samples.
- b. PCBs are to be determined/reported on a wet weight basis for liquid PCBs.
- c. Liquid PCBs containing more than 0.5% solids (or 5,000 mg/l suspended solids or non-dissolved solids) shall be tested as multi-phasic non-liquid/liquid mixtures.
- d. For liquid PCBs containing  $\geq 0.5\%$  solids, the phases are separated, prior to analysis. Other multiphasic type samples (liquid-liquid) are to be separated prior to analysis. PCB results are to be determined for each non-liquid phase on a dry weight basis. PCBs are to be determined in each liquid phase on a wet weight basis.
- e. Disposal requirements for multiphasic PCBs must use requirements that apply to the phase with the highest PCB concentration. Alternatively, phases may be separated prior to disposal with disposal requirements applied to each separate phase.

## NOTES:

- (1.) We have encountered the determination of PCBs in used oil collected from commingled industrial and vehicle sources. The mixture can be an emulsion of water/oil - two separate phases difficult or impossible to separate. Two procedures have been used to determine the PCB concentration in the oil phase (for routine PCB testing, assume the water phase's PCB concentration is insignificant versus the oil phase concentration):

- i. The water content of the emulsion can be determined by Karl Fischer titration, sample aliquot weights corrected to their oil content, and PCB results can be reported on an oil weight basis.
  - ii. If any separation of oil from water occurs upon standing or by centrifugation, oil aliquots can be selected for PCB analysis and their PCB concentrations than reported for the oil phase. PCB analysis of the water phase may be unnecessary.
- (2.) We have encountered the PCB analysis of oil sludge more dense than water. The sludge is a mixture of oil, water and solids, but oil and solids can not readily be separated prior to analysis. Two alternative analytical techniques can be done:
- i. Determine the water content (Karl Fischer titration) of the sludge mixture, and correct sample aliquot weights so PCB corrections are reported on an oil weight basis.
  - ii. Determine the dry weight of an analysis aliquot by drying the sludge at a predetermined temperature, and report PCB concentrations on a dry-weight basis, even though the oil and solids are not separated.
  - iii. If an interested party has an appropriate procedure to separate oil sludges into individual phases, they should contact a U.S. EPA Regional Office to disseminate this useful information. The reporting of PCBs on an overall dry-weight basis is the most viable alternative at this time.

#### 4. - 40 CFR 761.3

- a. Liquid PCBs means a homogeneous flowable material containing PCBs and no more than 0.5% by weight non-dissolved material.
- b. Non-liquid PCBs mean materials containing PCBs -
  - (1) that by visual inspection do not flow at room temperature, or
  - (2) from which no liquid passes, in 5 minutes, in a paint filter test (mesh #60±5).

#### NOTE:

- (1.) If a sludge, or oily sludge, were to fail the paint filter test, it would be classed most often as multiphasic PCBs, containing liquid/non-liquid PCBs. It could not be classed as liquid PCBs in its entirety (wet weight basis reporting) unless it contains less than 0.5% non-dissolved solids.

5. - 40 CFR 761.60 (g) 1 (iii) - for dielectric fluids
- 40 CFR 761.60 (g) 2 (iii) - for waste oil

For these parts under Disposal Requirements, any person conducting the chemical analysis of PCBs shall do so using gas chromatography. Any gas chromatographic method that is appropriate for the material being analyzed may be used, including:

- a. U.S. EPA Method 608. This test procedure provides sample preparation steps only for water.
- b. U.S. EPA Method 8082. No sample preparation steps are provided by Method 8082, but reference must be made to Method 3500B in the same source manual.
- c. ASTM Standard D-4059. This is applicable to electrical fluids, or insulating liquids.

The intent of this regulatory section is to allow flexibility in analysis of PCBs including use of congener GC methods or GC/MS test procedures when appropriate.

6. - 40 CFR 761.61 (a) (5) i (B) (2) (iv)  
 Subpart M 761.253  
 Subpart N 761.272  
 Subpart O 761.292  
 Subpart P 761.314  
 Subpart R 761.358

For bulk PCB remediation waste, and for pipelines, remediation wastes, and non-porous surfaces of Subparts M, N, O, and P and for sampling certain bulk product and remediation wastes of Subpart R, PCBs are mandated/specified to be determined by:

- a. U.S. EPA Methods 3500B, 3540C, or 3550B for sample preparation of solids or wipes (Method 3500B specifies sample extract clean-ups are to be done, as appropriate, subsequent to use of Method 3540C or 3550B extractions).
- b. U.S. EPA Method 8082 for gas chromatography analytical measurement.

These analytical specifications do not allow flexibility in analysis of PCBs, and require either alternate sample preparation, or alternate analytical measurement procedures to be validated by comparison testing with the above reference methods (See Subpart Q 40 CFR 761.32). Approval/validation is required for alternative methods under 40 CFR 761.272 and 761.292 for PCB remediation wastes.

The requirement for specific test procedures for PCBs is at variance with the preamble to the recent 40 CFR 761 amendments that suggests flexibility be provided for PCB testing and that cites 40 CFR 761.60 (g) 1 (iii) for flexibility during testing of dielectric fluids. The regulation clearly mandates use of Methods 3540C, 3550B, and 8082 for PCB remediation wastes, bulk product wastes, natural gas pipelines and sampling non-porous surfaces under Subparts M, N, O, P and R to 40 CFR 761.

There is one option available to use non-mandated test procedures for PCBs. A TSCA permit for "risk based approval" of remediation wastes or bulk product wastes can provide for use of alternative test procedures, so long as this is specified within the permit.

## **B. Analytical Options**

### **1. 40 CFR 761 Mandate**

40 CFR 761 mandates use of U.S. EPA SW-846 Methods 3500B (for generalized sample preparation guidance), Methods 3540C or 3550B (for extraction of PCBs from solids) and gas chromatography Method 8082 for analytical measurement of extracted PCBs. These test procedures are mandatory for PCB remediation wastes and certain wipes, unless acceptable formal validation results are obtained for alternative extraction or determinative test procedures pursuant to 40 CFR 761.32.

It is expected that sample extracts from Methods 3540C/3550B also will require removal of PCB interferences using techniques comparable to Method 3600C (generalized guidance), Method 3665A (sulfuric acid cleanup), Method 3620B (Florisil cleanup), and when appropriate, Method 3660B (sulfur removal).

The above mandate does not cover all situations - flexibility is still needed for accurate total PCB measurements, including examples provided below:

- a. Total PCBs require Aroclors 1262 and 1268 to be reported when present. Method 8082 does not specifically list these two Aroclor materials. It is relatively simple to include these two Aroclors as standards for Method 8082, when these two Aroclors are present.

- b. Method 8082 is incomplete guidance for determining total PCBs from congener standards.
- c. GC/MS techniques, based on measurement principles of U.S. EPA Method 680 for PCB homologs, can be superior to and more accurate than Method 8082 for total PCBs.
- d. The 40 CFR 761 mandate does not provide sample preparation specifications for waters, non-aqueous PCB liquids, or oil(s).
- e. Soils/solids may need to be air dried and homogenized prior to selection of analysis aliquots to obtain desired precision of analysis.
- f. A choice must be made between use of Method 3540C Soxhlett extraction versus Method 3550B sonication for specific sample types.

NOTE: (1.) The literature article - Kimbrough, D.E., R. Chin, and J. Wakakuwa, Analyst, 119, Part I-1277, Part II-1283, Part III-1293 (1994) provides a definitive comparison of the Soxhlett and sonication extractions. The Soxhlett is more accurate on an inter-lab basis versus sonication. Sonication is the most cost effective of the two techniques.

U.S. EPA Methods 3500B and 3600C provide generalized guidance for sample preparation of all matrix types and cleanups of resulting extracts or diluents, respectively. The text "Analytical Chemistry of PCBs", 2nd edition, 1997, Mitchell D. Erickson, is an excellent alternate source of analytical techniques. U.S. EPA test procedures are also discussed in depth, by this text.

## 2. Action Levels

Review of five (5) commercial or public laboratories in 1998 (that support TSCA PCB inspections) showed them to be adhering to Methods 3550B and 8082B or Methods 3540C and 8082B for PCB measurements of non-liquid PCBs. Most laboratories were following extraction parameter details of Method 3550B. Each laboratory had instituted and used extract cleanup options described above. Thirty grams of soil/solid were extracted and the extract concentrated to 10 mls, as described in Method 3550B. The Method 8082 calibration standards corresponded to 0.03 ppm to 0.5 or 0.7 ppm PCBs in soil/solid. Oils were being determined, typically in the range of 1 to 10 ppm PCBs.

It was apparent that many laboratories are overly concerned about following SW-846, Update III, in detail, to provide low detection limits (0.03 ppm) for all solid samples, and to utilize one set of extraction variables for all solid sample types.

It is cost effective for a commercial laboratory to use one extraction test procedure for all clients; however, SW-846, in many sections, clearly states that sample preparations and QC audits be based on DQOs and on intended data usage. SW-846 is clearly intended, by its authors, to be guidance.

Data quality indicators for TSCA PCB accuracy were observed to suffer from the 0.03 ppm detection limit. Extractions are overloaded, extract interferences can be severe, and QC audits of surrogate and matrix spikes result in undesirable data quality.

When PCBs were present at concentrations greater than 5 ppm, matrix spike and surrogate spikes were no longer measurable due to extract dilution. A detection limit of 0.03 ppm is unnecessary for PCB Action Levels of 5 ppm or more.

To optimize accuracy at TSCA PCB Action Levels:

1. Sample weights and aliquot volumes for extract cleanups should be decreased so that an Action Level concentration will be in the mid range (middle third) of a Method 8082 instrument calibration range. This will require different sample preparation parameters for 1 or 2 ppm Action Levels versus 50 ppm Action Levels. Decreasing sample weights and extract volumes for clean-ups will improve extraction efficiency.
2. Sample aliquot weights should not be so small that they become non-representative. An extract dilution can be used prior to extract clean-ups for high concentration Action Levels.
3. Matrix spike and surrogate spike concentrations should be selected to fit the Action Level concentration. This is consistent with recommendations of SW-846 Method 3500B and Chapter 2 of SW-846.
4. PCB liquid sample preparation parameters (ex.-oils) can be selected as above. Water extraction parameters, per Methods 3510C or 3520C, need not be changed.
5. TSCA PCB inspection personnel should identify applicable Action Levels to their support laboratories for each sample or sample group submitted. Data usability can be related to comparison of sample results versus applicable Action Level(s). Accuracy of PCB measurements at or near an Action Level concentration is critical. Accuracy of measurement is less critical for PCB concentrations significantly smaller or larger than an Action Level.

6. One Action Level set requires careful consideration. Used oils can have both a 2-50 ppm Action Level range and a 50 ppm Action Level. Measurements at 2 ppm are incompatible with 50 ppm Action Level measurements. This may require two different extracts, or two different dilutions of a sample extract depending on the regulatory PCB concentration(s) to be determined.

**Summary:**

Support laboratories for TSCA PCB inspections should implement/document extraction and clean-up test procedures and QC audits appropriate for common regulatory PCB concentrations (Action Levels) between 1 and 50 ppm PCBs.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
JUL 21 2000  
OFFICE OF REGIONAL  
COUNSEL



**Jeffrey Gahris**

07/09/01 01:42 PM

To: Michael Valentino/R5/USEPA/US@EPA  
cc: Karl Karg/R5/USEPA/US@EPA,  
Spyropoulos.Peter@EPAMAIL.EPA.GOV@EPA, Sue  
Brauer/R5/USEPA/US@EPA  
Subject: Re: sybill - enforcement sensitive

Mike,

I have just spoken with Patrick Cullen of Wayne County, who indicated that the local judge has required Sybill to submit financial information. She also indicated a willingness to shut the plant down if the water situation isn't fixed. Apparently she is taking a tougher position with Sybill. The next court date is July 29.

Sybill still has a contract with GM, according to Patrick, but its processing volume is down considerably.

Another wild card is how the City of Detroit will respond to the situation. As you know, the Department of Water and Sewerage cut off Sybill's water due to nonpayment of water bills, but it may also plug the sewer. Patrick informed me that Sybill has defaulted on civil penalty payments pursuant to its consent order with the City.

Jeff.

----- Forwarded by Jeffrey Gahris/R5/USEPA/US on 07/09/01 01:33 PM -----



**Jeffrey Gahris**

07/09/01 11:07 AM

To: Michael Valentino/R5/USEPA/US@EPA  
cc: Karl Karg/R5/USEPA/US@EPA,  
Spyropoulos.Peter@EPAMAIL.EPA.GOV@EPA, Sue  
Brauer/R5/USEPA/US@EPA  
Subject: Re: sybill - enforcement sensitive

Mike,

I was out for a week, and upon my return I see no new evidence that Sybill is responding to the 114. The first deadline (submitting a scrubber parameter monitoring plan) was June 18. The only response we got was a letter asking that the company be granted relief from the 114 pending a settlement with Wayne County. We said "no", but now we must wait a while. Sybill may simply try to drag things out, so it may be a little unclear for the next few weeks whether Sybill is completely refusing to respond. (Sybill did not respond to the last 114 until we issued an a-order compelling a response.) My guess is Sybill may try to confound the issue in any way possible. By early August I hope we will have a clearer picture. We should be able to stay on target for a 4th quarter referral unless there are unexpected developments.

I have confirmed that the City cut off Sybill's water for not paying its water bills. I also learned that Sybill has not been paying its attorneys. There was a court appearance scheduled for a week ago Friday. I am trying to reach Wayne County today to learn what happened. The county judge was concerned about Sybill's financial resources and whether it has the ability come into compliance with its air permit. I believe the permit violations continue. Thanks. Jeff.

Michael Valentino

**Michael Valentino**

To: Jeffrey Gahris/R5/USEPA/US@EPA

07/09/01 10:02 AM

cc:  
Subject: sybill



Jeff:

Just a quick update needed: 1. any movement on Sybill's part w.r.t. complying w/ the 114, or are they still noncompliant? 2. any more "rumblings" re: Sybill's financial woes and possibly closing up? (where did you first hear this?) 3. is 4Q still ARD's target for referral?

Thanks Jeff. I'm way behind in updating ECAT and need to move today. Karl Karg is leaving EPA so getting a 4Q RCRA complaint + referral will be even more challenging. (looks like a fun Sept around here) :)

Mike

**Michael Valentino**  
07/09/01 03:58 PM

To: Tinka Hyde/R5/USEPA/US@EPA, Michael  
Smith/R5/USEPA/US@EPA, Eric Cohen/R5/USEPA/US@EPA,  
George Czerniak/R5/USEPA/US@EPA, Joseph  
Boyle/R5/USEPA/US@EPA, DOUGLAS  
BALLOTTI/R5/USEPA/US@EPA, Jose  
Cisneros/R5/USEPA/US@EPA  
cc: Karl Karg/R5/USEPA/US@EPA, Sue Brauer/R5/USEPA/US@EPA,  
Jeffrey Gahris/R5/USEPA/US@EPA, Francene  
Harris/R5/USEPA/US@EPA, Debra  
Klassman/R5/USEPA/US@EPA  
Subject: Sybill, Inc. MM case

**ECAT Members:**

At the February 28, 2001 briefing for Sybill, our team presented you with several commitments: (1) ARD referral to DOJ, March 30, 2001; (2) WPTD amendment to referral for RCRA used oil violations, June 30, 2001; (3) Final MM Report to ECAT, June 30, 2001. Our team is requesting an extension of each of the above items to the end of 4th quarter FY2001, at the earliest, for the following reasons: (1) Sybill did not submit its RCRA 3007 information request (issued March 19, 2001; due on April 14th) until May 7th. Sue Brauer and I have not completed independent review of this information. We are still reviewing analytical results, which Sybill contends successfully rebuts the presumption of mixing with hazardous wastes. (2) ARD's decision to postpone its referral, and to issue a CAA 114 request requiring, among other things, that Sybill perform a stack test on its scrubber. The 114 was issued on April 27, 2001. To date, Sybill has not committed to doing the stack test. Sybill has allowed one of the 114 deadlines to pass, failing to provide a scrubber monitoring plan by June 18th. Sybill asked for an extension to comply with the 114 because of ongoing enforcement activity and settlement talks with Wayne County. ARD denied the company's request. (3) Sue and I have been spending a great deal of time building our case against Dearborn Refining Co., another used oil facility in the greater Detroit area, which has proven to be extremely resource-intensive. (4) From information provided to team members by both Wayne Co. and MDEQ, it appears that Sybill is in serious financial hardship and possibly on the verge of closing. The City of Detroit Water & Sewerage Dept has discontinued providing fresh water to the facility, as Sybill is reported to owe the City \$500,000. Sybill has reportedly also lost some large clients of late. Sybill is trucking in fresh water, and so continues to operate. However, the City is considering plugging the sewer, which would prevent any effluent discharge from the facility. Wayne Co. has an ongoing enforcement action vs. Sybill for air permit violations. A local judge has ordered the company to turn over financial information, as she is concerned whether the facility has the financial means to comply with its permit. Also, we've been informed by the County that Sybill has defaulted on civil penalty payments required by the City under a Consent Order. We may need to quickly assess how financially viable this facility is prior to referring to DOJ. (5) Karl Karg, ORC, is leaving the Agency on July 17th. The technical team members will need additional time working with the newly assigned attorney in drafting the joint Air-RCRA referral.

It is not likely that Sybill will perform a stack test, which will cost upwards of \$5000, any time soon. The MM team does not expect any significant changes to the Air findings. The latest 3007 response may impact some of the preliminary used oil findings identified in the May Draft MMI Report. We are recommending completion of the MMI Report by September 15, 2001, and issuance of a RCRA Complaint for used oil violations by September 30, 2001. The team will work with ECAT to meet a 4Q 2001 commitment for referral to DOJ, but with the reassignment of a new attorney, we are requesting an extension to 1Q 2002.

Please provide us with your approval/disapproval of the suggested dates. We will keep you apprised of the developing financial situation as the local and State agencies provide us with more information.

Thank you.

Mike Valentino



3345 Greenfield Road, Melvindale, Michigan 48122  
Telephone: (313) 382-9701 Facsimile: (313) 382-9764

May 7, 2001

Enforcement and Compliance Branch  
Compliance Section 1  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

Re: Sybill, Inc  
111 Military  
Detroit, MI 48209  
EPA I.D. No.: MIR 000 022 400

Attention: DE-9J

The following items and attachments are in response to your letter dated March 19, 2001. All responses begin with the number of your request. All attachments are clipped together with a number on them to correspond to the requested items.

1. The shipment to Edwards Oil Service on Michigan manifest 7766184, was from batch 41699 (you had 41694, the handwriting was bad on that). Attached you will find analytical showing metals, total halogens and flash point. Additional analytical provides F001-F002 and PCB analysis on this batch. The following streams were treated to yield the above batch: GM Ypsilanti, GM Warren, Delphi Sandusky, GM Buick, GM Lansing, GM Saginaw, GM Toledo, GM Flint V-8, GM Grand Rapids, GM Romulus, Rouge Steel, GM Livonia, and GM Grand Blanc. Included is the sample oil analysis run on each stream for chlorine. We have also included the rebuttal information for each of these streams (waste characterization, analytical and letters).
2. BSW was not reported in all situations on the tracking report provided to you at time of inspection. This tracking report is from our accounts receivable department. Sometimes they take short cuts, especially if a customer is not billed according to BSW. This information is available at the plant on hand written documents. Easy access to this document made it easier for our people to give the tracking report to you. In the future, all items will be recorded on the tracking document. Several of the customers that had this information missing are water streams that come into our facility. We do not record BSW for these streams. Work orders, waste characterization reports and analytical are enclosed for the customers you have listed. I have included pages from our QA/QC manual to show our approval process. All waste streams prior to shipment must submit a completed waste characterization report, sample of material, analysis and rebuttal if required. MSDS sheets may also be required from the potential customer. Sybill conducts its own in-house analysis to determine treatability. If everything falls into the non-hazardous category and the treatability study reflects the stream to be acceptable, an approval number is assigned. The approved shipment must be scheduled with transportation and the plant for acceptance. Upon arrival, sample is taken and compared to information received during the approval process. If everything is in conformance then shipment will be unloaded and the processing stage can begin.
3. The following waste streams during the period of June 1, 1999 to March 17, 2000 had concentrations of halogens greater than 1000 ppm: GM Ypsilanti, GM Flint V-8, Rouge Steel, GM Warren, Delphi Sandusky, GM NAO (aka Buick), GM Lansing, GM Saginaw Malleable, GM Romulus, GM Livonia, Detroit Diesel, American Ultra, Ford Van Dyke, LTV Cleveland.

4. For the above streams identified in #3, find enclosed the waste characterization report, analytical, rebuttal letter and F-scan analysis. These items combined rebut the presumption of the used oil being mixed with a halogenated hazardous waste.
5. Outbound used oil fuel shipped for the period from June 1, 1999 to March 27, 2000 are identified on the tracking report as LTV Cleveland. The tracking report contains the quantity shipped and the bill of lading number. We have included copies of the fuel spec sheets for shipments to LTV Cleveland. The fuel spec sheets give the dates of shipment from Tank 4 and identify the lab analysis. We have attached a copy from the tracking report. The highlighted loads were purchased from an outside source that delivered directly to LTV. Our bills of lading are on file, as are the bills of lading for loads purchased from outside source.
6. Photo of Tank 29 is enclosed, which clearly shows the labeling. The tanks had recently been painted and had not yet been relabeled. SRS Environmental does not have an exact date as to when they were relabeled. We have a letter on file, to EPA dated April 14, 2000, that shows the tanks were labeled. It is enclosed for your review.
7. For the period of September 5, 2000 to the present please find that we are using generator knowledge and ASTM D4294 for halogen determination. Statistically we run F-scan methods 8015B, 8010B and 8020 to assure that we are not accepting material with halogenated hazardous waste. Generator waste profiling is done annually (not monthly), or when a new stream is considered for acceptance. All inbound and outbound streams are required to have the ASTM D4294 run, prior to acceptance (inbound) or shipment (outbound). We also have batch analysis done for all outbound used oil fuel. This analysis provides a full analytical (which you have copies of). We are including the following for your review: a) GM Ypsilanti for generator waste profiling. b) Sample analysis sheets for incoming loads. c) Data summary sheets and/or sample analysis sheets for outbound shipments of used oil fuel.
8. Outbound shipments of used oil fuels have a full analysis run on the batch tank (you have copies of that analysis) prior to shipment. PCBs are one of the parameters run, we have not had any hits for this as evidenced by those analytical reports. PCBs are tested on streams for pre-approval into our facility as evidenced by analytical in response #4. We also do statistical testing for PCBs on inbound shipments, samples are included in response #4.
9. I certify under penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

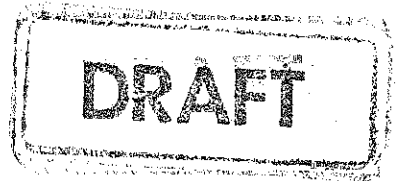


Vasilios C. Madjas, CEO  
SRS Environmental

DE-9J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. George Haratsis  
Plant Manager  
Sybill dba SRS Environmental  
3345 Greenfield Road  
Melvindale, Michigan 48122



Re: Notice of Violation  
Compliance Evaluation Inspection  
Sybill, Inc. , 111 Military Avenue, Detroit, Michigan  
EPA I.D. No.: MIR 000 022 400

Dear Mr. Haratsis:

On March 27 and 28, 2000, representatives of the United States Environmental Protection Agency (U.S. EPA), Michigan Department of Environmental Quality, Wayne County, and City of Detroit inspected Sybill, Inc., doing business as SRS Environmental at 111 Military Avenue in Detroit, Michigan. The purpose of the inspection was, in part, to evaluate the facility's compliance with the Resource Conservation and Recovery Act (RCRA) regulations codified at Title 40 of the Code of Federal Regulations (40 CFR) Part 279-Standards for the Management of Used Oil. On June 1, 1999, the State of Michigan achieved Federal authorization for analogous portions of its Part 111 Administrative Rules @ 299.9809 - R 299.9816). The complete multi-media inspection report will be provided at a later date. A photocopy of the relevant RCRA checklists and review memoranda are enclosed.

Based on the March 27 and 28, 2000 inspection, we have determined that SRS Environmental was violating the following requirements.

- 40 CFR 279.55(a) [MAC Rule R 299.9813(3)] The "SRS Environmental QA/QC Program" does not specify a sample method and does not indicate the circumstances dictating the appropriate use of a coliwasa/tube sampler, weighted bottle,

**DRAFT**

bomb, or tank sampling.

- 40 CFR 279.55(a) [MAC Rule R 299.9813(3)] The "SRS Environmental QA/QC Program" specified methods to analyze used oil for parameters specified in 40 CFR 279.53 (halogenated hazardous constituents listed in App. VIII of Part 261) do not identify hexachlorobutadiene and hexachloroethane as target analytes. These hazardous constituents are relied upon to define the hazardous characteristic of toxicity.
- 40 CFR 279.55(a) [MAC Rule R 299.9813(3)] The "SRS Environmental QA/QC Program" does not identify the type of information that will be used to determine the halogen content of the used oil and does not specifically address "the rebuttable presumption."
- 40 CFR 279.55(b)(2) [MAC Rule R 299.9813(3)] The "SRS Environmental QA/QC Program" indicates that sample analyses will be used to determine that used oil fuel meets the specifications at 40 CFR 279.11. The plan does not identify the sampling method used to obtain representative samples to be analyzed.
- 40 CFR 279.52(a)(2)(iii) [MAC Rule R 299.9813(3)] The location of individual fire extinguishers was not mapped.
- 40 CFR 279.52(b)(2)(v) [MAC Rule R 299.9813(3)] The descriptions and locations of emergency equipment for fire, spills, communications and decontamination were inadequate.
- 40 CFR 279.54(b)(2) [MAC Rule R 299.9813(3)] Tank 12 was leaking on March 27, 2000.
- 40 CFR 279.54 [MAC R 299.9813(3)] None of the used oil tanks and containers were labeled "Used Oil."
- While not a clear violation, the inspectors observed deteriorated concrete including apparent chemical etching from repeated leaks from treatment tanks and associated piping or valves. The scale pit and sump pit are used to store used oil. These pits meet the definition of "aboveground tank" in 40 CFR 279.1. These tanks below the surface of the floor could not be inspected to determine whether or not the tanks are in "good condition." Etched and eroded concrete may leak to soil beneath the building, compromising future clean closure of the used oil tanks [see 40 CFR 279.54(h)(1) for tank closure requirements].

**DRAFT**

According to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), U.S. EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period. This letter is not such an order.

Thank you for the letter dated April 14, 2000, signed by Sherryll A. Miller of SRS Environmental, enclosing photographs of "used oil" labels for aboveground tanks 1, 2, [3 "clarifier"], 4, [5 "clarifier"], 9, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30. Also, thank you for the Plant Layout Drawing (REV 07 - Updated 10/1/99) updated by manually adding the location of the fire extinguishers. Please add the fire extinguishers locations electronically to the computer-generated map so subsequent printed versions will also include the fire extinguisher locations (for future inspections). You have been returned to compliance for 40 CFR 279.52(a)(2)(iii) [MAC Rule R 299.9813(3)] for mapping fire extinguisher locations and, in part, for 40 CFR 279.54 [MAC R 299.9813(3)] for used oil tank labeling. Containers, such as the open drums beside each tank to catch drips, are also required to be labeled "Used Oil." To the extent that clarifiers (3 and 5) are used to manage "used oil," the clarifiers should also be labeled "Used Oil."

The April 14, 2000 letter also enclosed monthly oil sample reports for January through March, 2000 and copies of operator logs with operating temperatures recorded. Remaining issues from the inspection will be followed up through a multi-statute administrative request for answers to questions and the production of documents, due to the multi-media nature of the inspection.

In a related matter, SRS Environmental sent a letter dated October 23, 1998 to Mr. Bryan Holtrop of U.S. EPA Region 5, enclosing a "Waste Management Plan" required by an administrative complaint and compliance order dated September 24, 1998. The "SRS Environmental QA/QC Program" received March 28, 2000 was reviewed in lieu of the "Waste Management Plan" previously submitted and was evaluated in comparison to the Federally enforceable (as of June 1, 1999) analysis plan requirements of 40 CFR 279.55 [MAC R 299.9813(3)]. Please advise U.S. EPA if you object to our review of the "SRS Environmental QA/QC Program" in lieu of the previously submitted "Waste Management Plan."

For your information, copies of some Region 5 guidance are enclosed. The guidance titled, "Determination/Chemical Analysis of Polychlorinated Biphenyls (PCBs) for the Toxic Substances

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Control Act (TSCA) Regulation of 40 CFR 761" (enclosed) may be helpful to your contracted lab analyst and in revising the "SRS Environmental QA/QC Program." A copy of additional Region 5 guidance may be helpful in revising the "SRS Environmental QA/QC Program" to address the RCRA used oil rebuttable presumption. The DRAFT "Regulatory Framework for Rebutting EPA's Presumption of Used Oil Mixture with a Hazardous Waste" may be applied to each generator's wastestream(s) prior to receiving routine shipments. Subsequent shipments of a particular wastestream should be compared to the total halogen concentration in the sample of that wastestream characterized prior to receipt. When the total halogen concentration in a particular shipment exceeds the expected range for that wastestream, the possibility of used oil mixture with a halogenated hazardous waste should be re-evaluated.

We request that you submit a written response to the violations and concern cited above within 30 days of receipt of this letter. The response should document the actions, if any, which you have taken since the inspection to comply with the above requirements.

You should submit your response to Mr. Michael Valentino, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, DE-9J, Chicago, Illinois 60604 with a copy to Ms. Sue Rodenbeck Brauer, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, DW-9J, Chicago, Illinois 60604. You should also send a copy of your response to Jeanette M. Noechel, Environmental Quality Analyst, Waste Management Division, Detroit Office, Suite 3600, 300 River Place, Detroit, Michigan 48207.

If you have any questions regarding this matter feel free to contact Ms. Brauer at (312) 353-6134 or Mr. Valentino of my staff at (312) 886-4582.

Sincerely,

Lorna Jereza, Chief  
Compliance Section 1  
Enforcement and Compliance Assurance Branch

Enclosures

Completed MDEQ checklists for used oil processors and re-refiners, marketers, and transporters

Review of Document Titled, "SRS Environmental QA/QC Program"

"List of documents requested prior to inspection/documents presented during RCRA inspection for used oil management standards"

"Regulatory Framework for Rebutting EPA's Presumption of Used Oil Mixture with a Hazardous Waste"

"Determination/Chemical Analysis of Polychlorinated Biphenyls (PCBs) for the Toxic Substances Control Act (TSCA) Regulation of 40 CFR 761"

cc: Jeanette M. Noechel, MDEQ w/enclosures



**DRAFT**

F:\user\sbrauer\usedoil\sybill\used oil NOV for Sybill from March 2000 MMI.wpd, final 07/17/00SRB

**WASTE MANAGEMENT BRANCH**

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
TYPIST/ AUTHOR	IL/IN/MI SECTION CHIEF	MN/OH/WI SECTION CHIEF	POL. PREV. & SPEC. INTIV SEC. CHIEF	WMB BRANCH CHIEF	WPTD DIVISION DIRECTOR

**ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH**

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
AUTHOR/ TYPIST	COMPLIANCE SECTION 1 SECTION CHIEF	COMPLIANCE SECTION 2 SECTION CHIEF	CA SECTION SECTION CHIEF	ECAB BRANCH CHIEF	WPTD DIVISION DIRECTOR

**OFFICE OF REGIONAL COUNSEL**

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
TYPIST/ AUTHOR	AIR, WATER, TOXIC & GEN. LAW BRANCH CHIEF	MULTI- MEDIA BRANCH CHIEF	SOLID WASTE AND EMERGENCY RESP. BRNCH CHIEF	ORC DEPUTY REGIONAL COUNSEL	ORC REGIONAL COUNSEL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

DW-8J

MEMORANDUM

DATE: **APR 30 2001**

SUBJECT: RCRA Used Oil Compliance Evaluation Inspection Report  
Sybill, doing business as SRS Environmental, Inc.  
MIR 000 020 400

FROM: *Sue Rodenbeck Brauer*  
Sue Rodenbeck Brauer, RCRA Used Oil Expert

THROUGH: Paul Little, Acting Chief *Paul Little*  
Waste Management Branch, WPTD

TO: Joseph M. Boyle, Chief *→ Lorna Jereza, CSI 5/4/01*  
Enforcement and Compliance Assurance Branch, WPTD

Attached to this memorandum please find the inspection report I prepared at the request of Mike Valentino, Multi-media Inspection Team Leader, Enforcement and Compliance Assurance Branch (ECAB). I participated in the March 27-28, 2000 multimedia inspection of Sybill and have been working with Region 5 staff (e.g., Bryan Holtrop of ECAB) regarding Sybill since its first multimedia inspection in 1995. This inspection report was informally transmitted to Mike as a "DRAFT Virtual MMI RCRA (Subtitle C) Used Oil Inspection Report for Sybill" on July 19, 2000.

This inspection report covers the period from March 27, 2000 through July 2000. A follow-up report will be submitted later to officially document subsequent reviews. I recommend that ECAB staff and I continue to work with Karl Karg, the assigned Assistant Regional Counsel, to evaluate the confidential business information claims made by Mr. George Haratsis during the March 2000 inspection.

Finally, the Waste Management Branch presumes that Enforcement and Compliance Assurance Branch staff will submit this document to the Waste Management Record Center and update all case tracking information in RCRAInfo. Documents which may contain CBI are not attached. They were filed separately.

Attachments

- July 19, 2000 E-mail from Sue Brauer to Mike Valentino
- Inspection Report



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 19 2001

REPLY TO THE ATTENTION OF

VIA CERTIFIED MAIL

DE-9J

IN THE MATTER OF:

Sybill, Inc.  
111 Military Avenue  
Detroit, Michigan 48209

U.S. EPA I.D. NO.: MIR 000 022 400

**ATTENTION:** Mr. Vasilios C. Madias  
President  
Sybill, Inc.  
111 Military Avenue  
Detroit, Michigan 48209

REQUEST FOR INFORMATION

By this letter, the United States Environmental Protection Agency requests information under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6927. Section 3007 authorizes the Administrator of U.S. EPA to require you to submit certain information.

This request requires Sybill, Inc. (Sybill) to submit certain information relating to used oil management practices at the Sybill facility located at 111 Military Avenue in Detroit, Michigan (the facility). We are requiring this information to determine Sybill's compliance status with the standards for used oil management set forth at 40 CFR Parts 279 and 761. Attachment 1 specifies the information you must submit. You must submit this information within twenty-one (21) calendar days of receiving this request to the United States Environmental Protection Agency, Attention: Michael Valentino, 77 West Jackson Boulevard, DE-9J, Chicago, Illinois 60604.

You may, under 40 CFR Part 2 Subpart B, assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR 2.203(b). We will disclose the information covered by a business confidentiality claim only to the extent and by means of the procedures at 40 CFR Part 2, B. You must make any request for confidentiality when you submit the

information since any information not so identified may be made available to the public without further notice.

Sybill must submit all requested information under an authorized signature certifying that the information is true and complete to the best of the signatory's knowledge and belief. Should the signatory find, at any time after submitting the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should notify us. Knowingly providing false information, in response to this request, may be actionable under 18 U.S.C. §§ 1001 and 1341. We may use the requested information in an administrative, civil or criminal action.

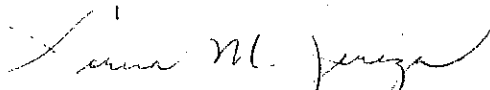
This request is not subject to the Paperwork Reduction Act, U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Failure to comply fully with this request for information may subject Sybill to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

You should direct questions about this request for information to Mr. Valentino at (312) 886-4582.

3/16/01

Date



Lorna M. Jereza, P.E., Chief  
Enforcement and Compliance Branch  
Compliance Section 1

Attachment

ATTACHMENT I

**Instructions:** You must respond separately to each of the questions or requests in this attachment. Precede each answer with the number of the Request for Information to which it corresponds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.

Requests

1. For the shipment to Edwards Oil Service on Michigan manifest 7766184, provide arsenic, cadmium, chromium, lead, total halogens, and flash point analyses for batch 41694. Also, provide the total halogen analyses and rebuttal information for incoming waste streams that were treated to yield this shipment.

2. For the following customers, jobs, and work orders, describe the waste characterization process employed by Sybill prior to placement of the waste in tanks at Sybill. Support your answer with representative waste characterization documents for each customer (used oil generator). Specifically, why was bottom sediments and water (BSW) not determined and/or not reported for each shipment during the period from June 1, 1999 to March 27, 2000? (Reference tracking reports provided to U.S. EPA inspectors on March 28, 2000.) The following are excerpts taken from the tracking report at the time of the inspection, and any deletions or apparent misprints are kept in so as to ensure accurate reproducibility with respect to the document:

115 Nelson Metal Products  
413 Nelson Metals-Waste Water Pump Out  
2645 Standing Work Order

351 City of Detroit  
all jobs and work orders

439 Alpha Stamping  
170 pump out pits and totes  
3202 Pump out pits and totes

439 Alpha Stamping  
170 pump out pits and totes  
3226 Standing Work Order

442 Oscar W. Larson Company  
174 Drop-off for Disposal - Wastewater and waste oil  
1274 standing work order for waste water and waste oil

501 Metal Working Lubricants  
346 GMC Blanket - GM PTG Livonia  
2926 Inland Waters to Drop 20 Yd Vacuum sludge box at plant for processing  
- sta

501 Metal Working Lubricants  
349 GMC Blanket - Lansing (LAD)  
2366 Standing Work Order for GMC-LAD Plant 6 Drums Dropped off by Inland  
Wat

501 Metal Working Lubricants  
409 Oily Waste Pickup from Lake Orion Plant  
2639 Oily Waste Pickup - Standing Work Order

529 Waste Management Industrial Services  
321 Oil/Water Pickup  
1997 Standing Work Order - "Water from SRS into SRS" (2000) (somewhat  
different for 1999)

529 Waste Management Industrial Services  
322 Mineral Oil Wastes  
1980 Standing work order - pump out used oil from various sites at complex

554 North American Environmental Corp.  
443 Transport and Disposal of Rinse Water  
3469 5K Vac Truck with 100 Feet of Hose

569 Steel Technologies  
446 trans. and dispose of waste oil  
3382 See Dan Rubino or Rich Meddy First, they will show you the inside pit  
they w

572 LTV Steel - Cleveland Works  
439 LTV-Recycled Oil In and Used Out  
3036 Standing Work Order - Used Oil Out of LTV

577 Michigan Recovery Systems, Inc.  
454 Transport and Disposal of Oily Sludge from Warren  
3173 Transport and Disposal of Oily Sludge

580 Manfredi Motor Transit Co.  
462 Disposal of Waste Water  
3317

584 Capital Environmental  
465 transp. and disposal of non-haz. waste oil and water  
3422 10,000 gallon tanker to pump out waste oil

585 Waste Management, Inc.  
 468 Pump out drums of used oil/coolant  
 3461 Standing Work Order Pump Out 40 or More drums of used oil and coolant

586 Everclear  
 470 Deliver/Receive Used Oil  
 3516 Standing Work Order for receipt/delivery of used oil from/to Ohio plant

589 American Ultra Specialties  
 471 disposal of liquid waste  
 3612

98 Rouge Steel  
 1 Wastewater Removal and Disposal  
 37 Tandem Mill Water - Large Tanker - Standing Work Order

3. To the extent that the total halogen concentration is available for incoming wastestreams during the period from June 1, 1999 to March 27, 2000, identify all incoming wastestreams with total halogen concentrations above 1,000 parts per million (ppm). (Reference tracking reports provided to U.S. EPA inspectors on March 28, 2000.)

4. For all concentrations of total halogens over 1,000 ppm in incoming wastestreams identified in request 3, rebut the presumption that the used oil was mixed with a halogenated hazardous waste.

5. For all outbound shipments of used oil fuel, for the period from June 1, 1999 to March 27, 2000, cross-reference the record of used oil analysis or other information used to make the determination that the oil meets the specifications for arsenic, cadmium, chromium, lead, total halogens, and flash point. (Records of used oil fuel analysis have been provided, but the method of cross-referencing with tank-specific analyses and shipments from specific tanks was not demonstrated to U.S. EPA RCRA inspectors on March 27 and 28, 2000.) A photocopy of pages from an operating log book listing the tank & sampling date, tank from which shipped, analysis number, shipper/bill of lading/manifest number, transporter, and used oil fuel recipient would suffice, if it exists. Alternatively, if this information is included in the tracking report provided on March 28, 2000, please direct our attention to the appropriate fields.

6. Provide a photo of Tank 29 showing all labeling and your best estimate of when the labels were applied.

7. For the period from September 5, 2000, to the present, identify the method and provide the standard operating procedures for total halogen determinations a) for generator waste profiling, b) to fingerprint incoming shipments of used oil, and c) for out-bound shipments of used oil fuel.

Provide one representative sample of each determination (generator waste profiling, fingerprint of incoming shipment, and outbound shipment) per month.

TSCA Waste Oil Specific (see 40 CFR 261.8, 40 CFR 761.3 and 761.20):

8. For all concentrations of total halogens over 1,000 ppm in incoming wastestreams and outbound fuel shipments, provide your determination that polychlorinated biphenyls (PCBs) are not present at levels above 2 ppm. (Documents submitted in response to previous questions may be referenced.)
9. Provide the following certification by a responsible corporate officer:

I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

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revised 03/06/2001 SRB

40 CFR 279-Standards for the Management of Used Oil  
Evaluation of Sybill, Inc., doing business as SRS Environmental  
EPA ID Number MIR 000 022 400  
Multi-media Inspection on March 27 and 28, 2000  
Prepared by Sue Rodenbeck Brauer  
Regional RCRA Used Oil Expert

I. Michigan Department of Environmental Quality (MDEQ)  
Inspection Checklists (**may contain CBI**)

- Used Oil Inspection Form - Oil Processors and Re-refiners
- Used Oil Inspection Form - Fuel Marketer
- Used Oil Inspection Form - Transporters and Transfer Facilities

II. Documents Received During Inspection

- Permit 2, Permit to Install Application Sybill Incorporated Process Tanks and Pollution Control Equipment, Sybill, Incorporated, 111 Military, Detroit, Michigan Prepared by ECT, Inc. (July 7, 1994) **Mr. George Haratsis may have claimed CBI.**
- Blank Form titled, "SYBILL FACILITY INSPECTION REPORT"
- Blank Form titled, "SRS ENVIRONMENTAL TANK STATUS REPORT  
DATE: \_\_\_\_\_"
- "SPILL CONTAINMENT AREAS FOR TANKERS" (SRS ENVIRONMENTAL, JULY 29, 1999, PAGE 1 OF 2"
- "SYBILL - SRS ENVIRONMENTAL EMERGENCY EVACUATION CONTINGENCY PLAN"
- Excerpted (?) "Process Flow Description" (1/1/2000, pages 1 through 5) with attached SRS ENVIRONMENTAL Plant Layout Drawing, REV-07 - Updated 10/1/99. **Mr. George Haratsis claimed CBI.**
- Excerpted pages 9 through 12, headed "SPCC," listing storage tanks
  - Blank Form titled, "SAMPLE ANALYSIS"
  - Blank Form titled, "SRS ENVIRONMENTAL TRANSACTION LOG FOR  
DATE: \_\_\_\_\_"
  - Blank Form titled, "STRAIGHT BILL OF LADING" (2 part form, second page begins "This Shipping Order," second page is completed, but not completely legible)
  - SRS Environmental QA/QC Program" Revision 1.3, Effective Date November 3, 1999, 118 p. **Mr. George Haratsis claimed CBI.**
  - "SRS Tracking System" for periods from June 1, 1999 to December 31, 1999 and January 1, 2000 with data entry up to March 27, 2000. **Mr. George Haratsis claimed CBI.**

**ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH**

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
AUTHOR/ TYPIST	COMPLIANCE SECTION 1 SECTION CHIEF	COMPLIANCE SECTION 2 SECTION CHIEF	CA SECTION SECTION CHIEF	ECAB BRANCH CHIEF	WPTD DIVISION DIRECTOR
<i>hwl</i> 3/16/01	<i>Amf</i> 3/16/01				

**ECAT Briefing  
February 28, 2001**

**Sybill, Inc. MMI Agenda Items:**

- |    |   |                      |
|----|---|----------------------|
| 1. | Preliminary remarks                         | Mike Valentino, ECAB |
| 2. | Justification for joint filing w/ DOJ       | Karl Karg, ORC       |
| 3. | ARD -- Case status and next steps           | Jeff Gahriss, ARD    |
| 4. | RCRA Used Oil -- Case status and next steps | Sue Brauer, WMB      |
| 5. | Revised Case Timeline                       | Mike Valentino, ECAB |

**Background**

Sybill, Inc., (d.b.a. SRS Environmental), is a used oil processor and marketer located in an economically depressed residential/commercial section in the Delray community of southwest Detroit. The facility began operations at its present location in 1992. Sybill employs 12 at this location, and operates 7 days per week, 24 hours per day. The facility receives a wide range of wastewater and used oil streams, ranging in oil content from roughly 2% to about 95%. Through-put is roughly 150,000 gallons per day. The facility markets oil for resale as fuel.

Unloading, filling and treatment operations result in the release of volatile organics and hydrogen sulfide. Although the facility has installed a scrubber, odors from the facility have generated numerous citizens complaints. The multimedia inspection discovered violations of the air permit issued by Wayne County APCD. ARD has identified violations and is prepared to refer the case to DOJ in 2<sup>nd</sup> Quarter FY 2001.

The MMI also resulted in violations of the RCRA used oil management standards. WPTD is still preparing its case and more information is needed to support some of the counts likely to be included in a referral to DOJ. The RCRA used oil case will be ready for referral to Justice in 3<sup>rd</sup> Quarter FY 2001.

Document reviews by WD and Superfund found no Water or CERCLA/EPCRA violations, and both programs are recommending no further action at this point.

**Revised Case Schedule**

**ARD TIMELINE:**

- |                        |                |
|------------------------|----------------|
| ► Referral to Justice: | March 30, 2001 |
|------------------------|----------------|

**RCRA TIMELINE:**

- |                                       |                |
|---------------------------------------|----------------|
| ▶ 3007 Request for supplemental info: | March 8, 2001  |
| ▶ Info Request response from Sybill:  | April 19, 2001 |
| ▶ Amendment to Referral:              | June 30, 2001  |

**MMI TEAM TIMELINE:**

- |                             |               |
|-----------------------------|---------------|
| ▶ Draft MMI Report to ECAT: | May 9, 2001   |
| ▶ Final MMI Report to ECAT: | June 27, 2001 |



Michael Valentino

02/28/2001 09:18 AM

To: Sue Brauer, Karl Karg, Jeffrey Gahris



Subject: Sybill --- SCHEDULE + TODAY'S AGENDA

Team:

Here's a revision to yesterday's case timeline which I'd like to present to ECAT (after they bite my head off, which will make talking difficult).

**ARD TIMELINE:**

**Referral to Justice: March 30, 2001**

**RCRA TIMELINE:**

**3007 Request for supplemental info: March 8, 2001**

**Info Request response from Sybill: April 19, 2001**

**Amendment to Referral: June 30, 2001**

**TEAM TIMELINE:**

**Draft MMI Report to ECAT: May 9, 2001**

**Final MMI Report to ECAT: June 27, 2001**

Here's a suggested order of presentations:

- |    |   |      |               |
|----|---|------|---------------|
| 1. | Preliminary remarks regarding timeliness    | Mike | (1-2 minutes) |
| 2. | Justification for joint filing w/ DOJ       | Karl | (3-4 min)     |
| 3. | ARD -- Case status and next steps           | Jeff | (4 min)       |
| 4. | RCRA Used Oil -- Case status and next steps | Sue  | (4 min)       |
| 5. | Revised Case Timeline                       | Mike | (2 min)       |

Any comments/suggestions? If so, please get them to me quickly. Thanks.

--- Mike

*M.S. - notify DOS that referral is MM and will have RCRA issues follow*

*SB - Offsite waste lake  
scrubber modifications  
Permit for boiler (also for boiler)*

Sybill dba SRS Enviromental  
EPA ID No. MIR 000 022 400

List of documents requested prior to inspection/documents presented during RCRA inspection for used oil management standards.

Notes from March 27 and 28, 2000 inspection.  
Prepared by Sue Rodenbeck Brauer from handwritten inspection notes  
June 28, 2000

1. Most recent Notification of Regulated Waste Activity (EPA Form 8700-12 or MDEQ form)

Sybill provided a copy of MDEQ form EQP 5150 (10/95). Sybill notified as an on-spec used oil fuel marketer, transporter, transfer facility, and processor. Gary Berndt signed the form and dated it February 20, 1997.

2. Correspondence with local authorities (police, fire stations, local emergency response, hospitals, equipment suppliers or local authorities' refusal to enter into such arrangements [279.52(a)(6)]).

Sybill presented letters dated February 19, 1999 to Oakwood Clinic, EMS - Detroit, Detroit Fire, and Henry Ford Hospital. No local authorities refused to enter agreemetns.

Correspondence with local authorities was filed with the Emergency Planning and Community Right to Know Act "Tier 2 Emergency and Hazardous Waste Chemical Inventory." I reviewed letters dated February 1997 for calendar year 1996; January 29, 1999 for calendar year 1998; January 2000 for calendar year 1999. For 1999, letters were written to MDEQ anmd Detroit Fire.

These documents indicate that Sybill is down to 3 chemicals: sulfuric acid (H<sub>2</sub>SO<sub>4</sub>), caustic soda, and polymer. Sybill dropped sodium bisulfite and aluminum sulfate in 1997. Sybill no longer has a rental boiler. There has been no process change.

There is no correspondence with a firehouse responding to an emergency.

3. Contingency plan and emergency procedures (Spill Prevention Control and Countermeasures plan if a separate used oil contingency plan is not available)[40 CFR 279.52(b)].

The Spill Prevention Control and Countermeasures Plan was presented. Beverly Kush signed a letter dated November 5, 1999, returning the facility to compliance.

4. Most recent tank inspection report [40 CFR 279.54(b)].

This was requested to satisfy the RCRA requirement for "good condition (no severe rusting, apparent structural defects or deterioration)." There is no tank integrity testing. Tank condition is recorded during a daily walk ("Tank Status Report"). A monthly inspection is written, "Sybill Facility Inspection Report."

5. List of tanks and containers used to receive, store, and process used oil. Identification of secondary containment for each unit [40 CFR 279.54(c), (d), and (e)].

All used oil tanks in the processing building rely on "pitch/grade sump" for secondary containment. See excerpted pages 9 to 12, headed "SPCC" on page 9, received 3/28/2000. The tipping floor center sump is 10 feet deep. The scale pit and tipping floor center sump are not identified as a "tank," but I believe both are used oil "aboveground tank(s)" as defined at 40 CFR 279.1.

Regardless of construction date, all oil processing tanks inside the building have secondary containment underneath the tanks, meeting the secondary containment requirement for "new aboveground tanks" at 40 CFR 279.54(e).

6. Written analysis plan (40 CFR 279.55 and 40 CFR 279.53).

Sybill provided the "SRS Environmental QA/QC Program", Revision 1.3, dated November 3, 1999. See separate regulatory review of that plan.

The on-site contract laboratory employee, Tom King, stated that PCBs are analyzed using method 8082 and that the GC solvent scan FID method used is 8015B. These methods are not the methods identified in the "SRS Environmental QA/QC Program." Tom stated that there is a day or two turnaround for analyses of received shipments. There is not a flash point set up in the lab, and metals analyses are not done on-site now.

7. Used oil acceptance and delivery records for the past three years [40 CR 279.56].

Sybill provided the blank form titled, "SAMPLE ANALYSIS" with these column headings: GENERATOR, MANIFEST #, OIL%, WATER %, RAG AND SOLIDS %, CL%, P.H, COLOR, ODOR, VISCOSITY.

Sybill also provided the blank form titled, "SRS ENVIRONMENTAL TRANSACTION LOG FOR DATE: \_\_\_\_\_" with these column headings: TIME TRUCK ARRIVED, TIME

TRUCK CONNECTED TO PUMP, LOAD UNLOAD, MANIFEST NUMBER, TOTAL GALLONS, GENERATOR, DISPOSITION, and TIME COMPLETED LOAD/UNLOAD.

On March 28, 2000, Sybill provided two computer printouts, one for the period from June 1, 1999 to December 31, 1999 and another for the period from January 1, 2000 to the time of the inspection. These printouts detail Sybill's customers for incoming wastewater and used oils and outbound used oil, including such details as customer names, pricing, and individual shipment amounts and oil/water/bottom sediment fractions. Sybill claimed confidential business information for this information.

8. Operating record (records and results of used oil analyses, summary reports and details of all incidents that require implementation of the contingency plan [40 CFR 279.57].

The operating record appears to consist of the computerized tracking system described above in number 7, the two part shipping order/straight bill of lading, and the results of chemical analysis reports which were hand-copied during the inspection. Additional information should be requested to demonstrate how Sybill links all the pieces together for a few individual shipments from and to each customer.

9. Copy of letter report to MDEQ (dated between 12/31/1999 and 3/1/2000) for calendar year 1999, identifying the facility, the quantity of oil processed/re-refined, and the specific processes employed [279.57(b)].

Sybill presented a letter addressed to Ms. Mary Villarreal of U.S. EPA, Region 5.

10. Identification of wastes generated, waste characterization and management records for the past 3 years [40 CFR 279.59].

Reviewed chemical waste analyses and documents showing shipment of waste off-site as Michigan waste code 029L. Notes on the used oil fuel marketer checklist also indicate parts washer waste determination as D001 and D039.

11. List of purchasers of off-spec used oil fuel for the past 3 years, if available, and certifications from each burner [40 CFR 279.75].

Sybill claims to market only on-specification used oil fuel and ships partially processed oil to another used oil processor. These shipments are documented in the computer printouts.

12. Records to show that each shipment of used oil fuel meets the specification for the past three years, if available [40 CFR 279.72].

Mike Valentino hand copied Sybill's analytical results to show that used oil shipped off-site was on-specification. In all instances, both the reported detection limits and the concentrations detected for arsenic, cadmium, chromium, and lead were below the regulatory thresholds. In all instances, the flash point was greater than 100 degrees Fahrenheit. In 19 out of 23 instances, total halogens exceeded 1,000 ppm and triggered U.S. EPA's used oil presumption of mixture with a halogenated hazardous waste. In all of these instances, Sybill analyzed a sample of the used oil for constituents of hazardous waste listed as F001/F002 and found insignificant concentrations. Sybill also analyzed for PCBs and found less than 2 ppm. (Rebuttal analyses for in-bound waste streams apparently were not presented at the time of the inspection.)

13. List of purchasers of non-fuel used oil product for the past 3 years [40 CFR 279.10(e)].


Sybill provided this information with the printouts of shipments received and sent (for the period from June 1, 1999 to December 31, 1999 and from January 1, 2000 to the month of March, 2000) on March 28, 2000.

F:\user\sbrauer\usedoil\sybill\documents to be reviewed, srb 3/7/2000

F:\user\sbrauer\usedoil\sybill\March 2000 RCRA documents reviewed.wpd, srb 6/28/00,  
7/17/2000srb

Jeffrey Gahris 02/27/2001 02:54 PM

---

To: Michael Valentino cc: Karl Karg, Sue Brauer, Sudhir Desai, JAMES ENTZMINGER, Spyropoulos.Peter, Karl Ka  
Subject: Re: Sybill 

Mike,

You asked for some information to update the team for tomorrow's briefing. Here is some rather wordy text from documents I created, but it might help.

*Event history:*

September 30, 1995 Stack test report by Swanson Environmental

August 12, 1997 Revised construction permit issued by Wayne County

April 14, 2000 SRS package submitted to Sue Brauer containing monthly oil sample reports and operator logs

June 1, 2000 Wayne County letter with enclosed NOV's, LOV's, Sybill responses

July 19, 2000 EPA 114 request issued to Sybill

September 6, 2000 Odor Inspection And Evaluation report prepared by Horizon Environmental

September 21, 2000 EPA Notice of Violation engineer's checklist

September 29, 2000 EPA Notice of Violation

October 3, 2000 Sybill's response to the 114 request

February 15, 2001 CAA inspection report

*Penalty Calculation:*

The most significant penalty consideration is the economic benefit associated with the failure to install appropriately sized scrubber equipment since the stack test in 1995 indicated violations of the emissions limits contained in Sybill's construction permit. Using the BEN model, we calculate a benefit of \$73,000. Attachment. Other penalty considerations, which are related to the gravity component, are summarized below:

Amount above standard -	\$50,000
Sensitivity to the environment -	\$5,000
Length of time of violations -	\$60,000
Importance to the regulatory scheme -	\$45,000

Size of violator -

\$10,000

Total gravity and economic benefit totals \$243,000.

*Injunctive relief:*

Attached is an analysis of injunctive relief required. In short, we need:

- Stack testing
- Improved gas collection
- Scrubber modifications
- Compliance with permit operating conditions and recordkeeping
- Analysis of whether Sybill is subject to the off-site waste rule



SYinjunct.

Thanks. Jeff.

Michael Valentino 02/27/2001 11:24 AM



● Michael Valentino 02/27/2001 11:24 AM

To: Karl Karg cc: Jeffrey Gahris, Sue Brauer, Sudhir Desai, JAMES ENTZMINGER



Subject: Re: Sybill 

Karl:

Thank you for the reply. Sue, Jeff and I did meet for about an hour (it just concluded). Sudhir did not attend, but then WD determined there was no basis for enforcement actions, therefore NFA w.r.t. Water. My recollection is that Jim Entzminger also determined NFA necessary for CERCLA/EPCRA. [Jim: I've cc'd you on this. Please verify if this is accurate. If so, you obviously won't have to attend tomorrow's ECAT briefing. Thank you.]

Karl, there's still the matter of parallel tracking (i.e., separate ARD referral to DOJ + RCRA 3008(a) Complaint for used oil violations) or both ARD and ECAB coming together on the same timeline and filing a joint DOJ referral. The latter might slow down Air's timetable (which has a 2Q referral targeted). Best case scenario for RCRA to be solid with its case and ready to refer is mid-May. If Air can wait til 3Q, then we can join forces. Otherwise, there's the possibility of RCRA joining later via an amendment to the referral. Please interject here and tell us which option might be most advantageous to us. Which do you

think DOJ would prefer?

In preparation for tomorrow's briefing I will prepare a revised case timeline, which I'll email to you, Sue and Jeff. This project is far behind schedule, and March and April are critical for me to bring a pulse back to it. A RCRA 3007 will go out soon (I hope to have a draft for you tomorrow), and I will get back to working on the draft MMI Report for distribution to ECAT. Sue and I are working on RCRA counts + penalty calculations. I can also work on drafting the Complaint while we wait for the info request response, if we do go administratively. Jeff has a good handle on Air violations + injunctive relief. He too will be working on a penalty, and should have some numbers to present to ECAT.

We're on for 11:20 - 11:35 tomorrow. Let's meet outside the ECAT conf rm around 11:10.

Please cc the team w/ your reply Karl. Thank you.

--- Mike

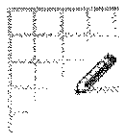
From: Karl Karg on 02/27/2001 10:42 AM

From: Karl Karg on 02/27/2001 10:42 AM  
To: Michael Valentino cc: Jeffrey Gahris, Sue Brauer, Sudhir Desai

Mike:

I was not in yesterday and had a conference call with HQ and the WPTD Division Director all morning today - until now. Had I been here I would have declined your invitation for this morning. I hope that you were able to have a productive meeting without me, and please advise on the conclusions of the the team about moving forward.

Karl Karg



Sue Brauer  
02/05/2001 08:54 AM

To: Michael Valentino cc: Karl Karg, Jeffrey Gahris  
Subject: Re: Sybill - Clarification

My take on the situation is that Air didn't want to wait for RCRA. If the cases have common factual bases or if the relief sought for Air impacts RCRA used oil management (e.g., by impacting analyses of incoming waste streams), it seems like the cases could be combined. Also, Sybill management might appreciate a little internal EPA coordination, not that pleasing Sybill is our top priority. I'm in favor of combining the cases if it would expedite settlement of all issues at Sybill.

What's the status of the RCRA 3007?

Sue Brauer  
Michael Valentino 02/05/2001 08:30 AM



● Michael Valentino 02/05/2001 08:30 AM

To: Karl Karg, Sue Brauer, Jeffrey Gahris

Sue, Karl and Jeff:

As followup to Francene's question, can we exchange some ideas via email (it may not be necessary to meet) and try to come up with an answer for her, especially since our mgt was cc'd? I've shelved this project because of higher priorities and really don't recall all the RCRA-used oil violations. Our ECAT briefing is Feb 28th.

Thanks.

-- Mike

----- Forwarded by Michael Valentino/R5/USEPA/US on 02/05/2001 08:28 AM -----

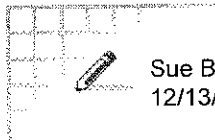


Francene Harris


02/01/2001 04:08 PM

To: Jeffrey Gahris, Karl Karg, Michael Valentino, Lorna Jereza, Debra Klassman, Eric Cohen, Michael Smith

I'm updating the pipeline/reconciliation database and I have a couple questions regarding Sybill. Sybill is on the CAA list as a projected referral and after today's RCRA Lit meeting it appears that RCRA is on the administrative track. Should/can these cases be combined? Any information to clarify would be helpful. Thank you in advance for your assistance.



Sue Brauer  
12/13/2000 04:51 PM

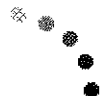
To: Michael Valentino, Karl Karg, Jeffrey Gahris  
Subject: Re: Sybill 

Sybill colleagues:

I have also back-burnered Sybill for a while. From now through January 2001, all used oil enforcement cases will be a lower priority than 1) finalizing the RCRA Guidance for Rebuttal of the Used Oil Rebuttable Presumption (including compliance with Agency peer review requirements) and 2) the hazardous waste criminal trial (January 2001) with a used oil defense in Region 6. Used oil cases pending include Sybill, Dearborn, Rouge Steel, and Consumers Recycling (and what's up with Edwards Oil Service's DOJ referral?).

If this gives you heartburn, please contact my acting Section Chief, Phil Kaplan (Mary Setnicar returns in January 2001) or Branch Chief, Karl Bremer, or Acting Deputy Division Director, Phyllis Reed.

Sue Brauer  
Michael Valentino 12/13/2000 04:09 PM



● Michael Valentino 12/13/2000 04:09 PM

To: Karl Karg cc: Sue Brauer, Jeffrey Gahris

Karl:

We will have some RCRA used oil violations. I've had to put Sybill to the side for several months now, we do expect to be included in a multimedia complaint.

Here are the violations RCRA's considering:

40 CFR §279.55(a) [MAC Rule R 299.9813(3)] The SRS Environmental QA/QC Program does not specify a sample method and does not indicate the circumstances dictating the appropriate use of a coliwasa/tube sampler, weighted bottle, bomb, or tank sampling.

40 CFR §279.55(a) [MAC Rule R 299.9813(3)] The SRS Environmental QA/QC Program specified methods to analyze used oil for parameters specified in 40 CFR §279.53 (halogenated hazardous constituents listed in App. VIII of Part 261) do not identify hexachlorobutadiene and hexachloroethane as target analytes. These hazardous constituents are relied upon to define the hazardous characteristic of toxicity.

40 CFR §279.55(a) [MAC Rule R 299.9813(3)] The SRS Environmental QA/QC Program does not identify the type of information that will be used to determine the halogen content of the used oil and does not specifically address the rebuttable presumption.

40 §CFR 279.55(b)(2) [MAC Rule R 299.9813(3)] The SRS Environmental QA/QC Program indicates that sample analyses will be used to determine that used oil fuel meets the specifications at 40 CFR §279.11.



JOHN ENGLER, Governor  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

*"Better Service for a Better Environment"*  
HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)  
RUSSELL J. HARDING, Director

REPLY TO:

DETROIT OFFICE  
SUITE 3600  
300 RIVER PLACE  
DETROIT MI 48207

September 14, 2000

Ms. Sherryl A. Miller  
Health, Safety and Environmental Compliance  
SRS Environmental  
111 Military  
Detroit, Michigan 48209

Dear Ms. Miller:

SUBJECT: MIR 000 022 400

This correspondence is written to acknowledge receipt of your letter dated August 9, 2000, which itemizes actions taken by SRS Environmental, (hereafter Facility), located at 111 Military, Detroit, Michigan, to correct violations in one or more of the following Part 111, Hazardous Waste Management, Michigan Compiled Laws (MCL) 324.11101 et seq and Part 121, Liquid Industrial Wastes, MCL 324.12101 et seq. of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended, and any administrative rules or regulations promulgated pursuant to these Acts. These violations were observed by staff of the Department of Environmental Quality (DEQ) during an United States Environmental Protection Agency (USEPA) inspection conducted on March 27, 2000, and the Facility was notified of these violations in a letter dated April 5, 2000 and July 14, 2000.

This is to notify the Facility that based on the information in your August 9, 2000 letter, staff of the DEQ have determined that the Facility has corrected the violations identified with regard to the regulations cited.

However, this determination does not preclude nor limit the DEQ's ability to initiate other enforcement action, under state or federal law, as deemed appropriate.

If you have any questions, please feel free to contact me.

Sincerely,

Jeanette M. Noechel  
Environmental Quality Analyst  
Waste Management Division  
313-392-6524

cc: Ms. Sarah Lile, Detroit Department of Environmental Affairs  
Ms. Sue Rodenbeck Brauer/Mr. Michael Valentino, USEPA  
Dr. Benedict N. Okwumabua, DEQ, WMD

Telephone conversation record

Date: August 8, 2000, about 3:15 PM

Re: Notice of Violation dated August 3, 2000 for Sybill, Inc. MIR 000 022 400

Mr. George Haratsaris of Sybill, (313) 304-6833, returned my call. He had telephoned on the morning of August 8, 2000 and stated a desire to clearly identify action items. I left a message for him, indicating that I had reviewed the letter and was available to discuss it.

We went through the letter page by page. The first through fourth bullets were identified as action items. Mr. Haratsaris questioned how Sybill could have a violation through its QA/QC program. I stated that Sybill provided me with the QA/QC program document when I asked to review the analysis plan.

I stated that Sybill had returned to compliance for mapping the location of the fire extinguishers (the fifth bullet).

I stated that I would have to review the inspection documents to determine what the action item in response to the sixth bullet. I agreed to provide clarification on this point.

I requested a copy of the work order showing completion of the work requested (to repair the leaking valve on Tank 12, the seventh bullet).

I recognized the labeling of the used oil tanks and documentation submitted April 14, 2000, and requested additional documentation of container labeling (eighth bullet).

George stated that he would respond to the ninth bullet, regarding the "good condition" of the scale pit and sump pit.

George agreed to EPA's review of the "SRS Environmental QA/QC Program" in place of the "Waste Management Plan" submitted by letter dated October 23, 1998.

George groused about Jeff Gahris' information request and referenced the litigation between Sybill and SRS, especially objecting to the request to provide copies of the response to Wayne County. He asserted that EPA does not have an enforceable ordinance in Wayne County. (I did not agree or disagree, but directed George to contact the attorney identified in EPA/ARD's information request to object to providing copies to Wayne County.)

George stated that Sybill would be incorporating parts of the enclosures into the revised QA/QC plan.

Sue Rodenbeck Brauer, Regional RCRA Used Oil Expert

DE-9J

AUG 03 2000

CERTIFIED MAIL *P140 896 592*  
RETURN RECEIPT REQUESTED

Mr. George Haratsis  
Plant Manager  
Sybill dba SRS Environmental  
3345 Greenfield Road  
Melvindale, Michigan 48122

Re: Notice of Violation  
Compliance Evaluation Inspection  
Sybill, Inc., 111 Military Avenue, Detroit, Michigan  
EPA I.D. No.: MIR 000 022 400

Dear Mr. Haratsis:

On March 27 and 28, 2000, representatives of the United States Environmental Protection Agency (U.S. EPA), Michigan Department of Environmental Quality, Wayne County, and City of Detroit inspected Sybill, Inc., doing business as SRS Environmental at 111 Military Avenue in Detroit, Michigan. The purpose of the inspection was, in part, to evaluate the facility's compliance with the Resource Conservation and Recovery Act (RCRA) regulations codified at Title 40 of the Code of Federal Regulations (40 CFR) Part 279-Standards for the Management of Used Oil. On June 1, 1999, the State of Michigan achieved federal authorization for analogous portions of its Part 111 Administrative Rules R 299.9809 - R 299.9816). The complete multi-media inspection report will be provided at a later date. Enclosed are photocopies of the relevant RCRA checklists and review memoranda.

Based on the March 27 and 28, 2000 inspection, we have determined that SRS Environmental was violating the following requirements.

- 40 CFR §279.55(a) [MAC Rule R 299.9813(3)] The "SRS Environmental QA/QC Program" does not specify a sample method and does not indicate the circumstances dictating the

appropriate use of a coliwasa/tube sampler, weighted bottle, bomb, or tank sampling.

- 40 CFR §279.55(a) [MAC Rule R 299.9813(3)] The "SRS Environmental QA/QC Program" specified methods to analyze used oil for parameters specified in 40 CFR §279.53 (halogenated hazardous constituents listed in App. VIII of Part 261) do not identify hexachlorobutadiene and hexachloroethane as target analytes. These hazardous constituents are relied upon to define the hazardous characteristic of toxicity.
- 40 CFR §279.55(a) [MAC Rule R 299.9813(3)] The "SRS Environmental QA/QC Program" does not identify the type of information that will be used to determine the halogen content of the used oil and does not specifically address "the rebuttable presumption."
- 40 §CFR 279.55(b) (2) [MAC Rule R 299.9813(3)] The "SRS Environmental QA/QC Program" indicates that sample analyses will be used to determine that used oil fuel meets the specifications at 40 CFR §279.11. The plan does not identify the sampling method used to obtain representative samples to be analyzed.
- 40 CFR §279.52(a) (2) (iii) [MAC Rule R 299.9813(3)] The location of individual fire extinguishers was not mapped.
- 40 CFR §279.52(b) (2) (v) [MAC Rule R 299.9813(3)] The descriptions and locations of emergency equipment for fire, spills, communications and decontamination were inadequate.
- 40 CFR §279.54(b) (2) [MAC Rule R 299.9813(3)] Tank 12 was leaking on March 27, 2000.
- 40 CFR §279.54 [MAC R 299.9813(3)] None of the used oil tanks and containers were labeled "Used Oil."
- While not a clear violation, the inspectors observed deteriorated concrete including apparent chemical etching from repeated leaks from treatment tanks and associated piping or valves. The scale pit and sump pit are used to store used oil. These pits meet the definition of "aboveground tank" in 40 CFR §279.1. These tanks below the surface of the floor could not be inspected to determine whether or not the tanks are in "good condition." Etched and eroded concrete may leak to soil beneath the building,

compromising future clean closure of the used oil tanks [see 40 CFR §279.54(h)(1) for tank closure requirements].

According to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), U.S. EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period. This letter is not such an order.

Thank you for the letter dated April 14, 2000, signed by Sherryll A. Miller of SRS Environmental, enclosing photographs of "used oil" labels for aboveground tanks 1, 2, [3 "clarifier"], 4, [5 "clarifier"], 9, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30. Also, thank you for the Plant Layout Drawing (REV 07 - Updated 10/1/99) updated by manually adding the location of the fire extinguishers. Please add the fire extinguishers locations electronically to the computer-generated map so subsequent printed versions will also include the fire extinguisher locations (for future inspections). SRS Environmental has achieved compliance with 40 CFR §279.52(a)(2)(iii) [MAC Rule R 299.9813(3)] for mapping fire extinguisher locations and, in part, for 40 CFR §279.54 [MAC R 299.9813(3)] for used oil tank labeling. Containers, such as the open drums beside each tank to catch drips, are also required to be labeled "Used Oil." To the extent that clarifiers (3 and 5) are used to manage "used oil," the clarifiers should also be labeled "Used Oil."

The April 14, 2000 letter also enclosed monthly oil sample reports for January through March, 2000 and copies of operator logs with operating temperatures recorded. Remaining issues from the inspection will be addressed through a multi-statute administrative request for answers to questions and the production of documents, due to the multi-media nature of the inspection.

In a related matter, SRS Environmental sent a letter dated October 23, 1998 to Mr. Bryan Holtrop of U.S. EPA Region 5, enclosing a "Waste Management Plan" required by an administrative complaint and compliance order dated September 24, 1998. The "SRS Environmental QA/QC Program" received March 28, 2000 was reviewed in lieu of the "Waste Management Plan" previously submitted and was evaluated in comparison to the federally enforceable (as of June 1, 1999) analysis plan requirements of 40 CFR §279.55 [MAC R 299.9813(3)]. Please advise U.S. EPA if you object to our review of the "SRS Environmental QA/QC Program" in lieu of the previously submitted "Waste Management Plan."

For your information, copies of some Region 5 guidance are enclosed. The guidance titled, "Determination/Chemical Analysis of Polychlorinated Biphenyls (PCBs) for the Toxic Substances Control Act (TSCA) Regulation of 40 SCFR 761" (enclosed) may be helpful to your contracted lab analyst and in revising the "SRS Environmental QA/QC Program." A copy of additional Region 5 guidance may be helpful in revising the "SRS Environmental QA/QC Program" to address the RCRA used oil rebuttable presumption. The DRAFT "Regulatory Framework for Rebutting EPA's Presumption of Used Oil Mixture with a Hazardous Waste" may be applied to each generator's wastestream(s) prior to receiving routine shipments. Subsequent shipments of a particular wastestream should be compared to the total halogen concentration in the sample of that wastestream characterized prior to receipt. When the total halogen concentration in a particular shipment exceeds the expected range for that wastestream, the possibility of used oil mixture with a halogenated hazardous waste should be re-evaluated.

We request that you submit a written response to the violations and concern cited above within 30 days of receipt of this letter. The response should document the actions, if any, which you have taken since the inspection to comply with the above requirements.

You should submit your response to Mr. Michael Valentino, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, DE-9J, Chicago, Illinois 60604 with a copy to Ms. Sue Rodenbeck Brauer, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, DW-9J, Chicago, Illinois 60604. You should also send a copy of your response to Jeanette M. Noechel, Environmental Quality Analyst, Waste Management Division, Michigan Department of Environmental Quality, Detroit Office, Suite 3600, 300 River Place, Detroit, Michigan 48207.

If you have any questions regarding this matter feel free to contact Ms. Brauer at (312) 353-6134 or Mr. Valentino of my staff at (312) 886-4582.

Sincerely,

Lorna M. Jereza, P.E., Chief  
Compliance Section 1  
Enforcement and Compliance Assurance Branch

Enclosures

Completed MDEQ checklists for used oil processors and re-refiners, marketers, and transporters

Review of Document Titled, "SRS Environmental QA/QC Program"

"List of documents requested prior to inspection/documents presented during RCRA inspection for used oil management standards"

"Regulatory Framework for Rebutting EPA's Presumption of Used Oil Mixture with a Hazardous Waste"

"Determination/Chemical Analysis of Polychlorinated Biphenyls (PCBs) for the Toxic Substances Control Act (TSCA) Regulation of 40 CFR 761"

cc: Jeanette M. Noechel, MDEQ w/enclosures

F:\user\sbrauer\usedoil\sybill\used oil NOV for Sybill from March 2000 MMI.wpd, final 07/17/00 revised following ORC review 07/27/00

**WASTE MANAGEMENT BRANCH**

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
TYPIST/ AUTHOR	IL/IN/MI SECTION CHIEF	MN/OH/WI SECTION CHIEF	POL.PREV.& SPEC.INTIV SEC. CHIEF	WMB BRANCH CHIEF	WPTD DIVISION DIRECTOR

**ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH**

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
AUTHOR/ TYPIST	COMPLIANCE SECTION 1 SECTION CHIEF	COMPLIANCE SECTION 2 SECTION CHIEF	CA SECTION SECTION CHIEF	ECAB BRANCH CHIEF	WPTD DIVISION DIRECTOR
<i>hvj</i> <i>8-2-00</i>	<i>hvj</i> <i>8/3/00</i>				

**OFFICE OF REGIONAL COUNSEL**

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
TYPIST/ AUTHOR	AIR, WATER, TOXIC & GEN. LAW BRANCH CHIEF	MULTI- MEDIA BRANCH CHIEF	SOLID WASTE AND EMERGENCY RESP. BRNCH CHIEF	ORC DEPUTY REGIONAL COUNSEL	ORC REGIONAL COUNSEL

## LIST OF DOCUMENTS TO BE MADE AVAILABLE

### GENERAL

1. Facility map/plot plan.
2. Description of facility and operations.
3. Facility history, including construction dates, start of operations and dates of change of ownership, if applicable.

### RCRA documents

1. Most recent Notification of Regulated Waste Activity (EPA Form 8700-12 or equivalent MDEQ form)
2. Correspondence with local authorities (police, fire stations, local emergency response, hospitals, equipment suppliers or local authorities' refusal to enter into such arrangements [279.52(a)(6)].
3. Contingency plan and emergency procedures (Spill Prevention Control and Countermeasures plan if a separate used oil contingency plan is not available)[40 CFR 279.52(b)].
4. Most recent tank inspection report [40 CFR 279.54(b)].
5. List of tanks and containers used to receive, store, and process used oil. Identification of secondary containment for each unit [40 CFR 279.54(c), (d), and (e)].
6. Written analysis plan (40 CFR 279.55 and 40 CFR 279.53).
7. Used oil acceptance and delivery records for the past three years [40 CR 279.56].
8. Operating record (records and results of used oil analyses, summary reports and details of all incidents that require implementation of the contingency plan [40 CFR 279.57].
9. Copy of letter report to MDEQ (dated between 12/31/1999 and 3/1/2000) for calendar year 1999, identifying the facility, the quantity of oil processed/re-refined, and the specific processes employed [279.57(b)].
10. Identification of wastes generated, waste characterization and management records for the past 3 years {40 CFR 279.59].
11. List of purchasers of off-spec used oil fuel for the past 3 years, if available, and certifications from each burner [40 CFR 279.75].

12. Records to show that each shipment of used oil fuel meets the specification for the past three years, if available [40 CFR 279.72].
13. List of purchasers of non-fuel used oil product for the past 3 years [40 CFR 279.10(e)].
14. Hazardous waste manifests for the last three (3) years for any offsite shipments of hazardous waste.
15. Hazardous waste manifests and bills of lading for the last three (3) years for any shipments of hazardous waste received by Sybill.
16. Copies of all training records for Sybill employees involved in the management of hazardous waste [40 CFR 265.16].
17. A copy of the facility's Contingency Plan [40 CFR 265 Subpart D].
18. Hazardous waste biennial reports for years 1999 and 1997.
19. Waste analysis plan.
20. Inspection schedule and records.
21. Documentation to support the determination of whether solid wastes generated on-site are hazardous wastes and any analysis supporting the determination.
22. Description of any tanks regulated under Subtitle I of RCRA, 40 CFR 280 and 281.
23. Evidence of spill, overfill and corrosion protection for any tank regulated under RCRA Subtitle I.
24. Evidence of leak detection for any tank regulated under RCRA Subtitle I.
25. For any underground storage tank regulated under RCRA Subtitle I which has undergone closure, provide evidence of closure notification to the State of Michigan which ensures that the tank was properly closed.

**Clean Air Act documents**

1. Descriptions of process units at the plant, including current schematic diagrams.
2. Identified points of emission of air pollutants from each unit, including both stack or fugitive emissions.

3. Descriptions of storage tanks at the plant, including tank capacities, what they are used for, and installation dates.
4. Air pollution control equipment drawings, performance specifications, engineering evaluations, and process units controlled.
5. Compliance with the specific terms and conditions for permits issued by the Wayne County Air Quality Management Division.
6. Descriptions of materials received at the plant for processing, including their physical, and chemical characteristics.
7. The nature of testing or analysis performed by Sybill or other parties to confirm the volatile<sup>1</sup> or hazardous<sup>2</sup> content of the incoming materials.
8. The volume of materials received in calendar years 1998 and 1999, and the first 3 months of calendar year 2000.
9. The maximum capacity of the plant to process incoming materials, in tons per year.
10. Any process changes made in the last two years that affect emissions of air pollutants.
11. Plan or protocol for assessing the volatile or hazardous air pollutant contents of incoming materials processed at the Plant.
12. Preventative maintenance and malfunction abatement plans related to the prevention of accidental releases of air pollutants.
13. Stack testing performed to determine emissions of volatile or hazardous organic compounds within the last 2 years.
14. Documents, including engineering analyses, used to determine whether the plant is a major source of hazardous air pollutants emitted in 1999, as defined in 40 CFR § 63.2.
15. Projects undertaken to reduce the emissions of air pollutants.

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<sup>1</sup>“Volatile” as defined in the Michigan State Implementation Plan

<sup>2</sup>“Hazardous” refers to the list of pollutants found in Section 112 of the Clean Air Act.

### Clean Water Act documents

1. Detailed description of all processes regulated or nonregulated by the categorical pretreatment standards, and how wastewater generated from each process is treated (including raw materials used, operating parameters of the processes involved, process weight rate, pollutant generated by each process, how the pollutants are controlled, etc.). Please provide descriptions of each wastewater treatment unit, its operating characteristics, location of outfalls and monitoring stations and pollutants monitored at the sampling station(s).
2. A diagram of water flows through Sybill's facility. For each process, state when it became operational, as well as all process modifications occurring to each process from the date of start up to the present.
3. Copies of periodic compliance reports for the past calendar year. Please provide copies of monitoring reports for inspections during the past five (5) years from March 1995 through March 2000.
4. If Sybill is subject to Federal categorical standards, please provide baseline monitoring reports.
5. Copies of all permits issued by regulatory agencies governing direct or indirect wastewater discharges from the facility.
6. Copies of all correspondence regarding violations of Federal, State and local laws involving Sybill's wastewater discharges/wastewater generation from its facility during the period March 1995 to the present.
7. Is the Sybill facility subject to any recently proposed wastewater discharge standards?
8. State how storm water generated at the facility is managed. Please describe your treatment facility, if any, used to control storm water. Please provide a copy of the Storm water Pollution Prevention Plan, if submitted to any governmental agency.
9. Provide copies of any inspection reports provided to Sybill by any Federal, State or local agency.

### Emergency Planning and Community Right to Know Act documents

1. Copies of Sybill's submissions to the State Emergency Response Commission, the Local Emergency Planning Committee, and local fire department under EPCRA Sections 311 and 312, along with documentation to validate the submission.

2. Any and all chemical release information documentation.

CLEAN AIR ACT RECORDS REVIEW  
SYBILL, INC., 111 MILITARY, DETROIT, MI

Please have available the following records or documents pertaining to:

1. Descriptions of process units at the plant, including current schematic diagrams;
2. Identified points of emission of air pollutants from each unit, including both stack or fugitive emissions;
3. Descriptions of storage tanks at the plant, including tank capacities, what they are used for, and installation dates;
4. Air pollution control equipment drawings, performance specifications, engineering evaluations, and process units controlled;
5. Compliance with the specific terms and conditions for permits issued by the Wayne County Air Quality Management Division;
6. Descriptions of materials received at the plant for processing, including their physical, and chemical characteristics;
7. The nature of testing or analysis performed by Sybill or other parties to confirm the volatile<sup>1</sup> or hazardous<sup>2</sup> content of the incoming materials;
8. The volume of materials received in calendar years 1998 and 1999, and the first 3 months of calendar year 2000;
9. The maximum capacity of the plant to process incoming materials, in tons per year;
10. Any process changes made in the last two years that affect emissions of air pollutants;
11. Plan or protocol for assessing the volatile or hazardous air pollutant contents of incoming materials processed at the

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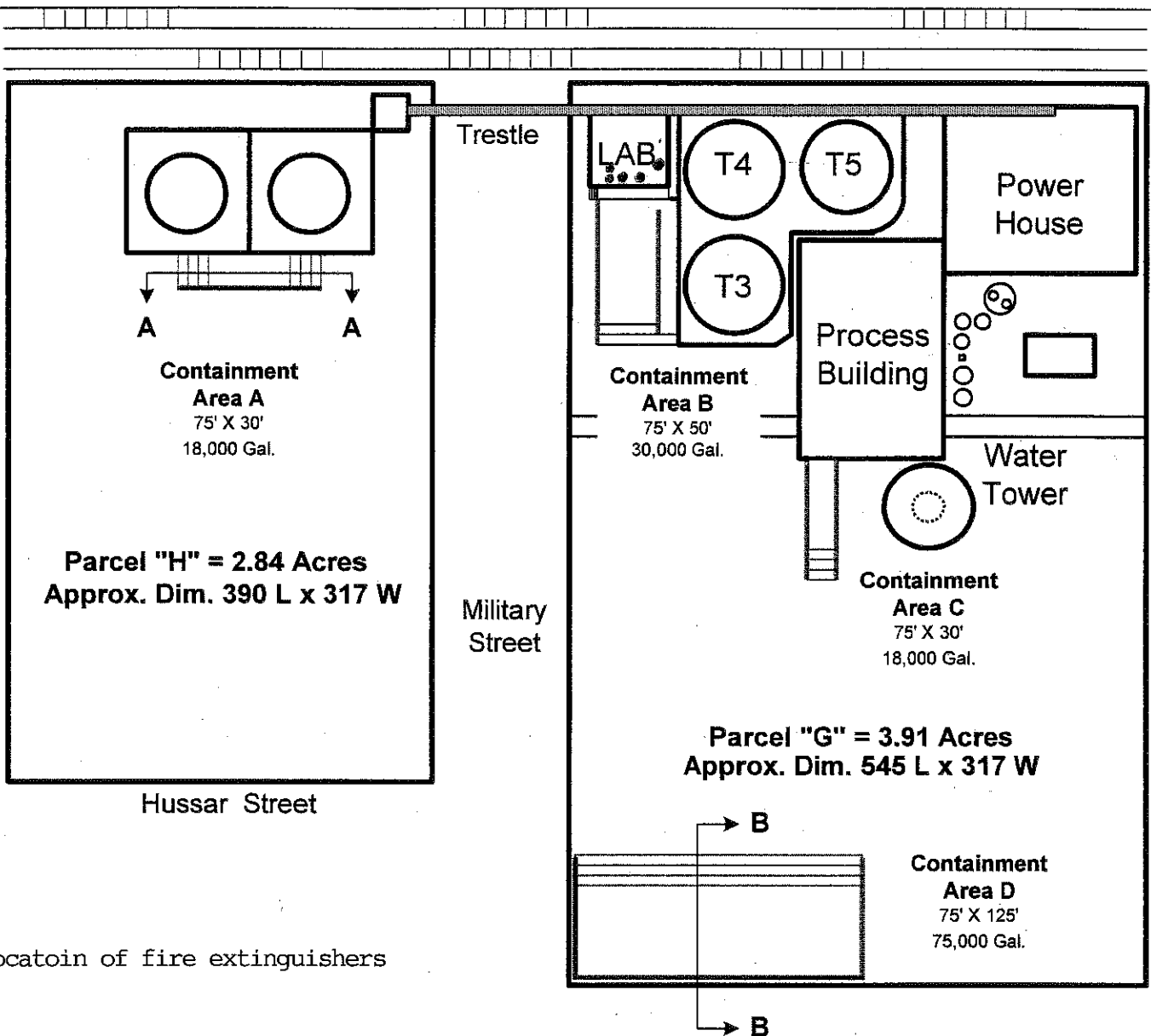
<sup>1</sup>"Volatile" as defined in the Michigan State Implementation Plan

<sup>2</sup>"Hazardous" refers to the list of pollutants found in Section 112 of the Clean Air Act.

Plant;

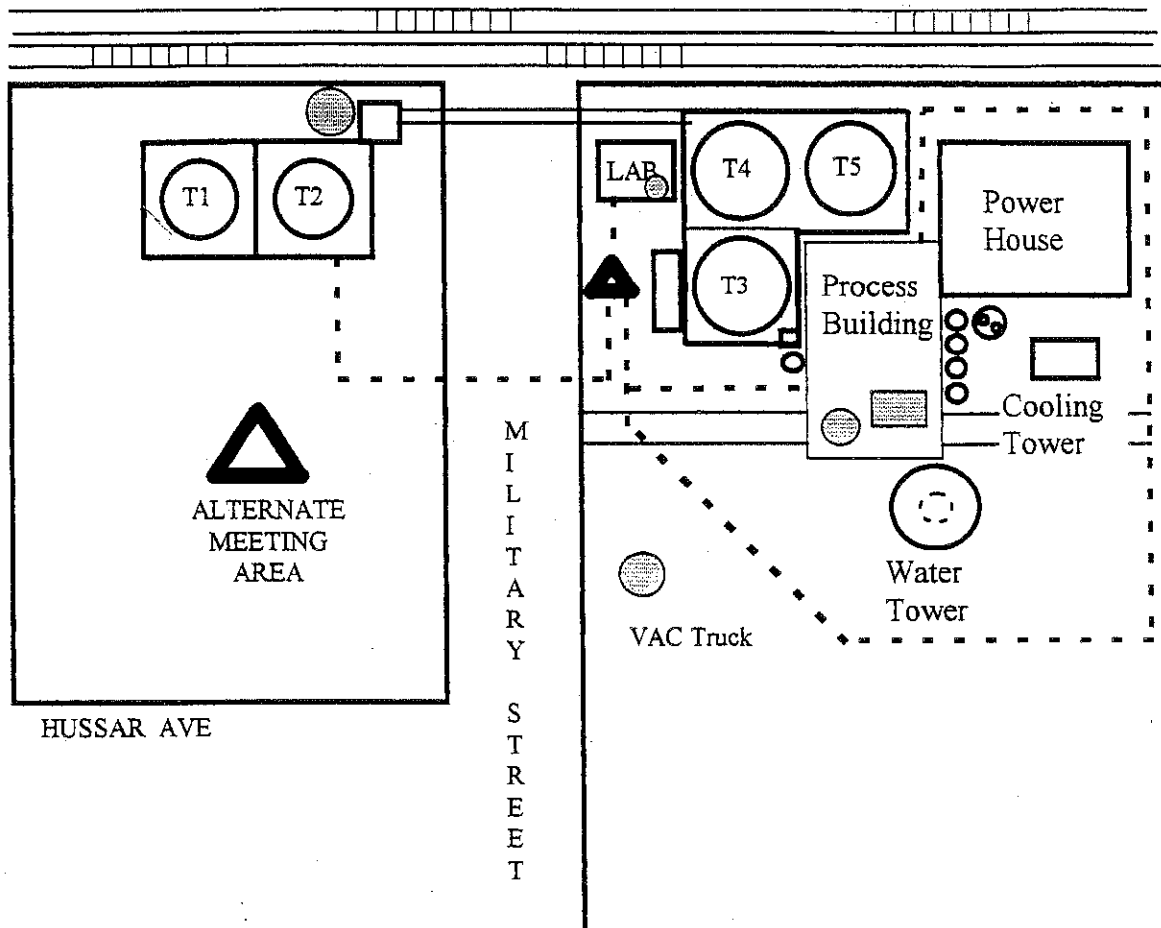
12. Preventative maintenance and malfunction abatement plans related to the prevention of accidental releases of air pollutants;
13. Stack testing performed to determine emissions of volatile or hazardous organic compounds within the last 2 years;
14. Documents, including engineering analyses, used to determine whether the plant is a major source of hazardous air pollutants emitted in 1999, as defined in 40 CFR § 63.2; and
15. Projects undertaken to reduce the emissions of air pollutants.






## SPILL CONTAINMENT AREAS FOR TANKERS



**SYBILL- SRS ENVIRONMENTAL**  
**EMERGENCY EVACUATION CONTINGENCY PLAN**

**REVIEW BEFORE POSSIBLE FIRE, EXPLOSION, OR RELEASE EVENT**  
**NOTE: THIS FORM MAY BE USED TO EVALUATE EVACUATION DRILLS**



	PRE-DETERMINED MEETING AREA	PASS	FAIL	THIS MAY CHANGE DEPENDENT UPON EVENT AREA - SEE ALTERNATE
	EVACUATION ROUTES			ROUTES MAY CHANGE DEPENDENT UPON EVENT AREA
	HAZARDOUS TREATMENT CHEMICAL STORAGE AREA			25 % CAUSTIC SOLUTION SULFURIC ACID
	FIRE EXTINGUISHER UNITS			ALL UNITS "A,B,C" TYPE REPORT SPENT UNITS
	SPILL RESPONSE EQUIPMENT			VAC-TRUCK - ABSORBENT DRUMS HAND TOOLS
<b>IN THE EVENT OF AN EMERGENCY CONTACT THE FOLLOWING AUTHORITIES:</b>				
<b>EYE WASH STATIONS/SHOWERS</b>		<b>FIRE:</b> (313) 596-2900		
<b>LAB / PROCESS BUILDING</b>		<b>EMS:</b> (313) 596-5180		
		<b>HOSPITAL:</b> (313) 876-1545		
		<b>CLINIC:</b> (313) 436-2400		
		<b>911 OPERATOR</b>		

*received*

## **EMERGENCY RESPONSE ARRANGEMENTS**

Emergency response arrangements have been made with the following contractor:

SRS ENVIRONMENTAL  
3345 Greenfield  
Melvindale, MI 48122

24 Hour Telephone Number  
**(313) 304-6850**

### **Response Coordinators:**

First Call: Michael Florinchi  
15341 Devoe  
Southgate, MI 48195  
734-284-3626 Residence  
313-304-6852 Cell Phone

Second Call: Nick Ciantar  
4640 Roosevelt  
Dearborn Heights, MI 48125  
313-563-8699 Residence  
313-304-6850 Cell Phone

Third Call: Gary Berndt  
2119 Hopkins Dr  
Wixom, MI 48393  
248-624-7854 Residence  
313-363-5189 Cell Phone

All employees of SRS Environmental must follow general instructions listed below:

1. In case of emergencies all persons must be accounted for.
2. Evacuation drills shall be conducted four (4) times per year. Alternate routes and conditions shall be covered.
3. Detailed information concerning accidental/emergency spill/release events can be found in SPCC document.
4. For all other emergencies fire / explosion / accident follow this plan.

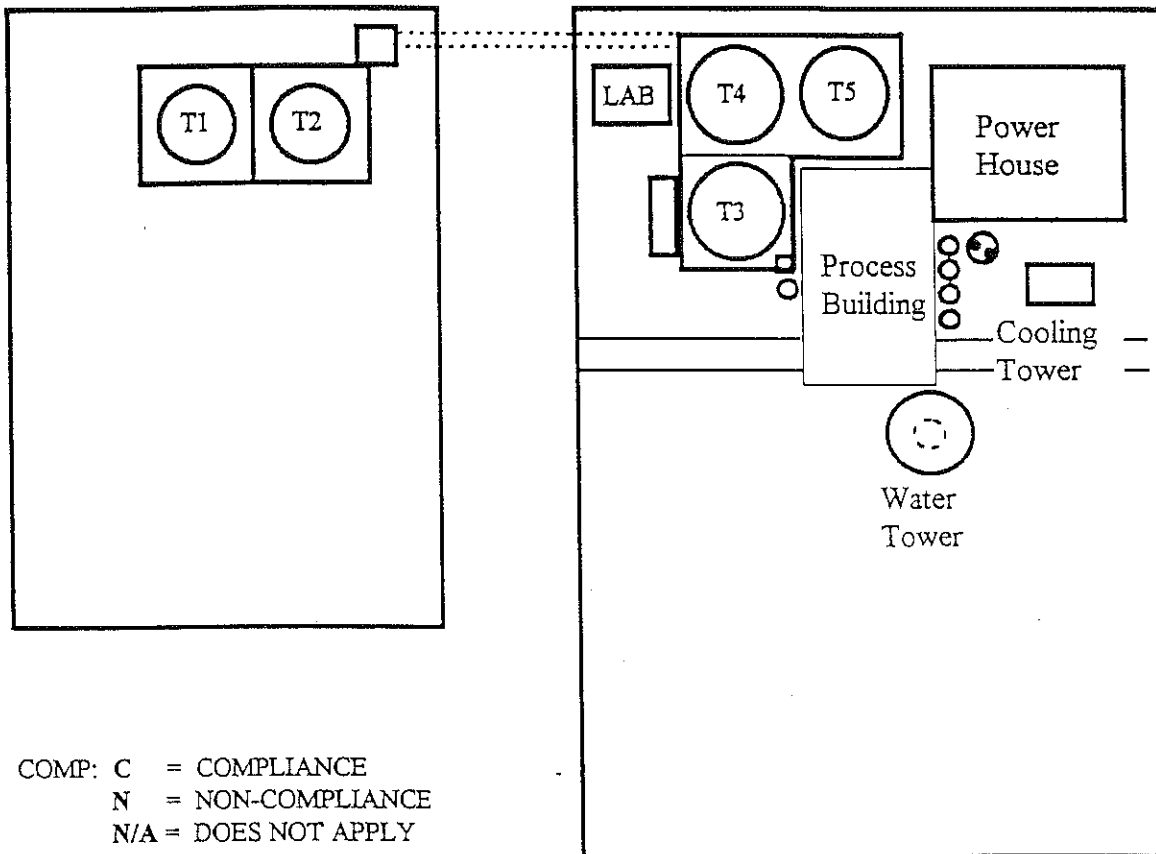
### EVACUATION INSTRUCTION

- A. Supervisor on-site shall determine type of emergency.
- B. Employees shall be notified of evacuation by means of hand held bullhorns and verbal instructions.
- C. Employees should follow routes established on evacuation site maps.
- D. All employees must meet at pre-determined meeting area outside of lab building.
- E. Supervisor on-site shall conduct head count of all employees.
- F. Provide "first response" first aid to any injured employee such as stop bleeding, start CPR (if trained to do so.)
- G. Contact (telephone) Fire-EMS-Hospitals as required.
- H. Contact SRS Environmental administration staff.






**NOTE:** All information within is subject to change. Updated information shall be dated as improvements are necessary.

# SYBILL FACILITY INSPECTION REPORT

INSPECTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



COMP: C = COMPLIANCE  
 N = NON-COMPLIANCE  
 N/A = DOES NOT APPLY

COMP	ITEM DESCRIPTION	CONDITION	COMMENTS
	 DRUMS ON SITE	<div>L LEAKING</div> <div>O OPEN</div> <div>B LABELED</div>	
	 LITTER CONTROL		
	 ROLL-OFF BOXES	<div>C COVERED</div> <div>L LEAKING</div>	
	 WASTE SPILLS	<div>S SOLID</div> <div>L LIQUID</div> <div>G SLUDGE</div>	
ADDITIONAL COMMENTS:			

*received 3/27/2000 SLB*

SRS ENVIRONMENTAL

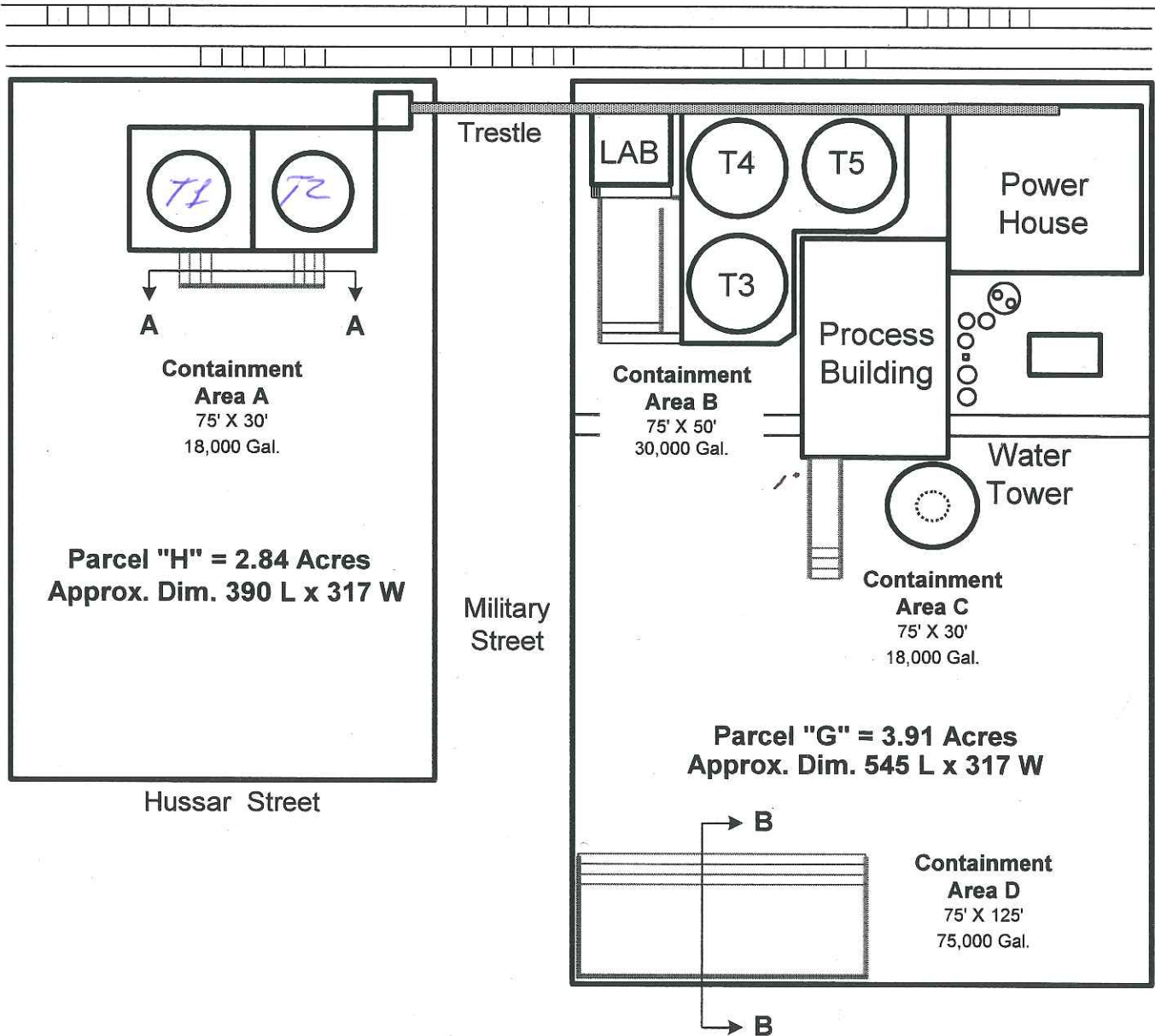
TANK STATUS REPORT

DATE: \_\_\_\_\_

TANK NUMBER	LEVEL	MATERIAL TYPE
TANK 1		
TANK 2		
TANK 3		
TANK 4		
TANK 5 ( Level )		
TANK 9		
TANK 10		
TANK 11		
TANK 12		
TANK 13 ( Caustic )		
TANK 14		
TANK 15		
TANK 16		
TANK 17		
TANK 18		
TANK 19 ( Sulfuric )		
TANK 20		
TANK 21		
TANK 22		
TANK 23		
TANK 24		
TANK 25		

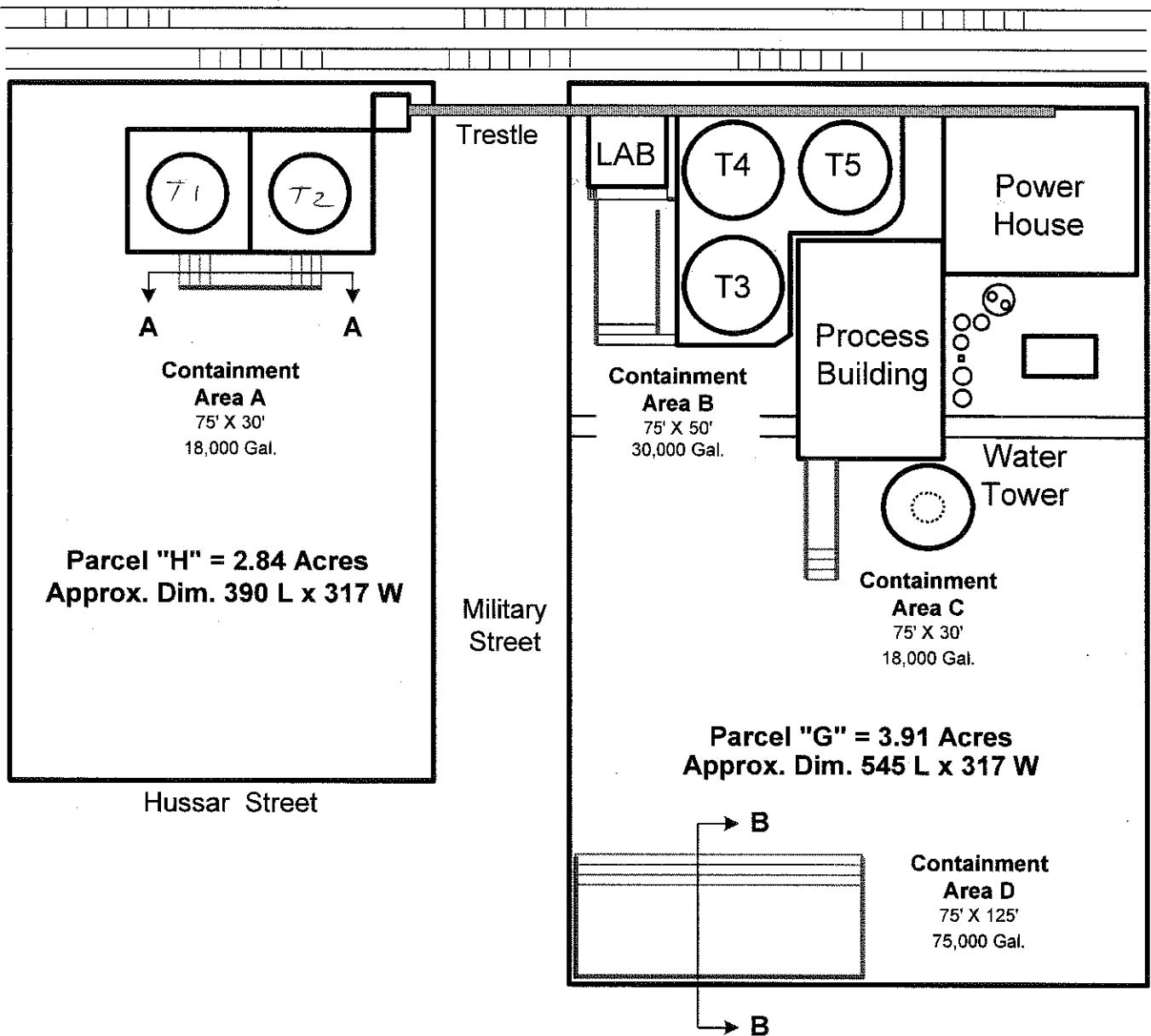
*received 03/27/2000 SLB*

## SPILL CONTAINMENT AREAS FOR TANKERS



*received 3/27/2000*

## SPILL CONTAINMENT AREAS FOR TANKERS



*received 3/27/2000*



Sue Brauer

07/19/2000 05:54 PM

To: Michael Valentino cc: Jeffrey Gahris, Karl Karg, Sudhir Desai, JAMES ENTZMINGER, Robert McCoy  
Subject: DRAFT Virtual MMI RCRA (Subtitle C) Used Oil Inspection Report for Sybill

Mike,



You've already seen most of the pieces of this inspection report, but here is the outline so far, document reviews, violations, questions, etc. The individual photos have been labeled, but I have not yet mounted them with captions.

I tried to reach Sharon Kiddon again today to have the CBI materials officially logged in and centrally filed, but she's out of the office. You are welcome to borrow them from my locked horizontal file. Half-cube 09131 has open surfaces and is available for file review. Please return any files you borrow.

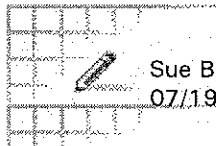
I'll be back in the office on August 8.

Sue

7/19/00   7/18/00  
Virtual MMI RCRA Used Oil Inspection Repo March 2000 MMI photo.lbl.

7/17/00   7/3/00  
March 2000 RCRA documents reviewed. Used Oil Analysis Plan regulatory review.

7/17/00   7/19/00  
RCRA used oil NOV for Sybill from March 2000 M info request questions.wp



Sue Brauer

07/19/2000 04:30 PM

To: Michael Valentino

Subject: Sybill

info requests for air, rcra, tsca by 6/30/00

draft mm report 6/30/00

response - end of July

final mm report end of August

9/27/00 SBREFA

rebrief ECAT in September

10/31/00 complaint or referral

Mike, is the above consistent with your record of the Sybill schedule?

Sue

DRAFT July 17, 2000

"Regulatory Framework for Rebutting EPA's Presumption of Used Oil Mixture with a Hazardous Waste"

Prepared by Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

1. What is the total halogen concentration of the used oil?
  - A. Less than or equal to 1,000 ppm. Stop. This guidance does not apply.
  - B. Greater than 1,000 ppm. Go to 2.
  - C. No total halogen concentration available, and halogenated constituents total to greater than 1,000 ppm. Go to 2.
  - D. Total organic halogens are greater than 1,000 ppm. Go to 2.
2. Do hazardous waste regulations apply to the used oil containing greater than 1,000 ppm total halogens? (Complete A through F to answer.)
  - A. Does 40 CFR 261.4(b)(1) (household hazardous waste) exclude the used oil from hazardous waste regulation?
    - Yes, manage as used oil. Maintain rebuttal documentation. <sup>1</sup>
    - No, go to 2.B.
  - B. Does 40 CFR 261.5(j) (CESQG can mix) exclude the used oil from hazardous waste regulation?
    - Yes, manage as used oil. Maintain rebuttal documentation.
    - No, go to 2.C.
  - C. Does 40 CFR 261.7 ("RCRA empty") exclude the hazardous waste residue from regulation?
    - Yes, manage as used oil. Maintain rebuttal documentation.
    - No, go to 2.D.
  - D. Does 40 CFR 261.8 (PCBs/PCBs-with-RCRA HW-only-characteristic-for-organics regulated by TSCA) exempt the used oil from hazardous waste regulation?
    - Yes, manage as used oil. Maintain rebuttal documentation.
    - No, go to 2.E.
  - E. Do 40 CFR 279.10(b)(1)(ii)(A) and 40 CFR 279.24(c) (metalworking oils reclaimed through tolling agreement) apply?

Yes, manage as used oil.

No, go to 2.F.

F. Do 40 CFR 261.4(b)(12) and 40 CFR 279.10(b)(1)(ii)(B) (CFCs being reclaimed) exclude the used oil from the rebuttable presumption?

Yes, manage as used oil.

No, go to 3.

3. Has the used oil been mixed with a halogenated hazardous waste? Answer A - D below.

A. Are PCBs present at detectable concentrations?<sup>2</sup>

Yes, comply with applicable TSCA regulations (40 CFR Part 761) and go to 3.B.

No, go to 3.B.

B. Analyze for F001/F002 constituents. Are F001/F002 constituents present at "significant concentrations"?

Yes, call the used oil F001, F002 or a mixture of the two and comply with applicable hazardous waste regulations. (Or demonstrate that the concentration in the used oil corresponds to the concentration in the virgin oil product.)

No, go to 3.C.

C. Did the original generator of the used oil also generate F020, F021, F022, F023, F024, F025, F026, F027, F028, F032, F039, K001, K009, K010, K015, K016, K017, K018, K019, K020, K021, K028, K029, K030, K032, K033, K034, K042, K043, K073, K085, K095, K096, K097, K098, K099, K105, K116, K117, K118, K132, K136, K140, K149, K150, K151, K156, K157, or K158?

(Computerized manifest review would be helpful.)

Yes, call the used oil with greater than 1,000 ppm total halogens that hazardous waste code (from above) or a mixture of all halogenated hazardous waste codes managed by that generator and comply with applicable hazardous waste regulations. (Or demonstrate that detected hazardous constituents are present at levels corresponding to presence in virgin oil product and then manage as used oil.)

No, go to 3.D.

D. Analyze for halogenated TCLP constituents. Does the used oil exhibit a characteristic of toxicity for a halogenated constituent (waste codes D019, D020, D021, D022, D016, D027, D029, D012, D028, D031, D032, D033, D034, D013, D014, D037, D017, D039, D041, D042, D043)?

Yes, assign that characteristic waste code to the used

oil and manage as a hazardous waste.

No, the used oil rebuttable presumption has been rebutted for this used oil waste stream! Comply with applicable used oil regulations.

- 
1. Generators do not have recordkeeping obligations under Part 279, but transporters, transfer facilities, processors/re-refiners, marketers, and burners are required to retain records of analyses or other information used to determine halogen concentration and to rebut the presumption for at least 3 years.
  2. "*Quantifiable Level/Level of Detection* means 2 micrograms per gram from any resolvable gas chromatographic peak, i.e., 2 ppm" (40 CFR 761.3, 7-1-98 Edition).



JOHN ENGLER, Governor  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

*"Better Service for a Better Environment"*  
HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)  
RUSSELL J. HARDING, Director

REPLY TO:

DETROIT OFFICE  
SUITE 3600  
300 RIVER PLACE  
DETROIT MI 48207

July 14, 2000

Mr. George Haratsaris  
Plant Manager  
SRS Environmental  
111 Military  
Detroit, Michigan 48029

Dear Mr. Haratsaris:

SUBJECT: MIR 000 022 400

This correspondence is written to acknowledge receipt of your letter dated June 9, 2000, which itemizes actions taken by SRS Environmental, (hereafter Facility), located at 111 Military, Detroit, Michigan, to correct the violations in one or more of the following: Part 111, Hazardous Waste Management, Michigan Compiled Laws (MCL) 324.11101 et seq. and Part 121, Liquid Industrial Wastes, MCL 324.12101 et seq. of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended, and any administrative rules or regulations promulgated pursuant to these Acts. These violations were observed by staff of the Department of Environmental Quality (DEQ) during an United States Environmental Protection Agency (USEPA) inspection conducted on March 27, 2000, and the Facility was notified of these violations in a letter dated April 5, 2000.

Staff of the DEQ have reviewed the Facility's submittal for compliance with the regulations. As a result of the review, staff of the DEQ have determined that the Facility is still in violation of the following:

Item 1

Please identify how the material cleaned from the scale pit area was characterized and disposed.

The Facility must respond to the violations noted in this letter. Please submit documentation to this office regarding those actions taken to address the violations by August 14, 2000. The DEQ will evaluate the response and determine the Facility's compliance status and notify you of this determination.

Mr. George Haratsaris

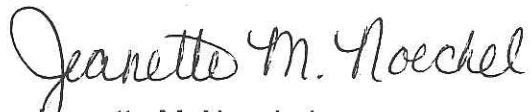
2

July 14, 2000

This letter of warning does not preclude nor limit the DEQ's ability to initiate any other enforcement action, under state or federal law, as deemed appropriate.

If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jeanette M. Noechel".

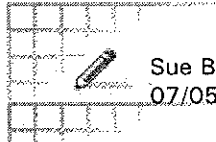
Jeanette M. Noechel  
Environmental Quality Analyst  
Waste Management Division  
313-392-6524

drs

cc: Ms. Sarah Lile, Detroit Department of Environmental Affairs  
Ms. Sue Rodenbeck Brauer/Mr. Mike Valentino, USEPA  
Dr. Benedict N. Okwumabua, DEQ, WMD

Regarding whether to include MDEQ checklists.  
I'm leaving this up to ECAB & ORC.

Sue



Sue Brauer

07/05/2000 11:37 AM

To: Karl Karg

Subject: Re: Draft NOV for Sybill

Karl, thank you for the clarifying questions.

I'm not sure. Read these responses and let me know what you think. I appreciate your input.

For example, Sybill relies upon a "tipping floor" (the building was designed for solid waste trucks to dump waste onto a floor prior to charging a solid waste incinerator/co-generator, and so the concrete floor under the processing and storage tanks slopes to a central sump, a used oil "aboveground tank") for secondary containment. At the former incinerator end of the floor, there is an opening in the retaining walls. I wondered whether a gushing release would flow through this opening into the ground floor, which does not have retaining walls. I checked "no" to checklist questions 14 & 15.: Are aboveground tanks, used to store oil at a transfer [SIC, should be processor] facility in a secondary containment system which has b) Dikes, berms or retaining walls? The SPCC program found the secondary containment adequate.

The checklists were completed during the inspection. I didn't go back and update them based on later document review. For example, I didn't complete the checklist with respect to 40 CFR 279.55. My evaluation of Sybill's "SRS Environmental QA/QC Program" was completed after my return to Chicago.

With respect to the used oil fuel marketer checklist, some portions are blank. Sybill's compliance won't be evaluated until the response to the info request is received. I intend to evaluate compliance and so did not check "NI" for not inspected. I'm not comfortable alleging a violation now, though I suspect one exists. So, the checklist does not divulge this opinion, but it does look incomplete.

Finally, Sybill claimed its customer list CBI. For incoming waste, this cannot be substantiated because the information is publicly available from MDEQ (on liquid industrial waste manifests). For used oil fuel claimed to be on-specification, Michigan does not require manifesting and so the CBI claim may stand. The checklists name some of the on-spec customers, so Sybill's CBI claim may extend to those portions. For oil shipped to subsequent processors, Michigan manifests would again be used. This is privileged, but affects only EPA's handling of the checklists, not whether to send them to Sybill.

Sue

From: Karl Karg on 07/05/2000 10:43 AM

From: Karl Karg on 07/05/2000 10:43 AM

To: Sue Brauer

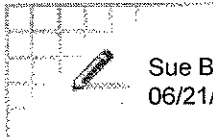
Is there anything in the checklists which you regard as privileged? Any opinions which we wd not want divulged?

3.9 -3.10 - Division Director reviews the consolidated comments and has been briefed by EnPPA lead, Branch Chiefs and CAPM.. If WPTD is the sponsoring division, and there are no unresolved issues, the division director sends his approval of the comments to the EnPPA lead whom will then send it back to the state with all other divisions consolidated comments. If there are unresolved issue(s), the division director will work with his/her state counterpart to resolve the issue(s). If the issue(s) is still unresolved then the Division Director will brief the Regional Administrator (RA) on the issue(s) and he/she will negotiate with his/her state counterpart to resolve the issue(s).

If WPTD is not the sponsoring division and all issues are resolved, the Division Director sends his/her approval of the comments to the division EnPPA lead who in turn sends the divisions consolidated comments to the sponsoring division EnPPA Lead. If there are still unresolved issues in the EnPPA comments, the Division Director will discuss these issues with the sponsoring Division Director. The Sponsoring Division Director will then resolve the issue with the state or have the RA negotiate a resolution with the state.

Note: Concerning the final decision of an unresolved issue(s), the final decision is shared with the staff/section chief/branch chief involved in the issue.

Final step(3.11): Once all comments have been approved and negotiated the consolidated comments are sent back to the states and the EnPPA is approved.



Sue Brauer  
06/21/2000 09:56 AM

To: David Star cc: Anton Martig, Kenneth Zolnierczyk, Michael Valentino  
Subject: Follow-up to Sybill ECAT briefing

Dave,

Ken Zolnierczyk and I rode up to work on the same elevator today. Ken said you had contacted him in follow-up on my mention of a likely TSCA violation at the ECAT briefing for Sybill.

Here's the issue. I do RCRA used oil compliance inspections and observe that companies marketing used oil to be burned for energy recovery are not characterizing all the fuel for PCBs, which I would allege is a violation of 40 CFR 761.20(e). (That TSCA regulation allows characterization or determination of PCB levels by analysis or knowledge and is very much like the RCRA requirements for generators of hazardous waste to make a hazardous waste determination.) I inform the TSCA program of the apparent noncompliance and am advised by TSCA enforcement staff that the TSCA program only enforces illegal disposal. The TSCA program has never enforced 761.20(e) even though it would prevent instances of illegal storage/disposal (I'm thinking of Safety-Kleen, Usher Oil/Edwards, etc.).

So thank you for following up with Ken, but I raised the issue at ECAT because I perceive it as a weakness in the Region's protection of human health and the environment and in inter-program coordination. I suggested to Tony Martig that a national survey should be conducted to evaluate the significance of unannounced loads of PCBs being received by used oil processors (e.g., through a review of manifest discrepancies and unmanifested waste reports). Tony prepared an application for the national toxics program, but it was not selected for funding.

I am working on national guidance for the RCRA used oil rebuttable presumption (i.e., EPA presumes that used oil has been mixed with a halogenated hazardous waste when the total halogen concentration exceeds 1,000 ppm) which may help. Briefly, I am hoping to be able to compel used oil fuel handlers to characterize their used oil/waste oil for PCBs because PCBs can trigger the RCRA rebuttable presumption. I'm attaching the regulatory framework for your information, with the TSCA references in bold. I don't know how successful this will be, but I feel it's better than continuing to refer potential violations to the TSCA program and being advised that they've been "filed" in case anyone ever feels like following up.

Please let me know if you think there's any chance of the TSCA program implementing 40 CFR 761.20(e).

Sue Brauer



flowchart draft.w

Sybill dba SRS Enviromental  
EPA ID No. MIR 000 022 400

List of documents requested prior to inspection/documents presented during RCRA inspection for used oil management standards.

Notes from March 27 and 28, 2000 inspection.  
Prepared by Sue Rodenbeck Brauer from handwritten inspection notes  
June 28, 2000

1. Most recent Notification of Regulated Waste Activity (EPA Form 8700-12 or MDEQ form)

Sybill provided a copy of MDEQ form EQP 5150 (10/95). Sybill notified as an on-spec used oil fuel marketer, transporter, transfer facility, and processor. Gary Berndt signed the form and dated it February 20, 1997.

2. Correspondence with local authorities (police, fire stations, local emergency response, hospitals, equipment suppliers or local authorities' refusal to enter into such arrangements [279.52(a)(6)]).

Sybill presented letters dated February 19, 1999 to Oakwood Clinic, EMS - Detroit, Detroit Fire, and Henry Ford Hospital. No local authorities refused to enter agreemetns.

Correspondence with local authorities was filed with the Emergency Planning and Community Right to Know Act "Tier 2 Emergency and Hazardous Waste Chemical Inventory." I reviewed letters dated February 1997 for calendar year 1996; January 29, 1999 for calendar year 1998; January 2000 for calendar year 1999. For 1999, letters were written to MDEQ anmd Detroit Fire.

These documents indicate that Sybill is down to 3 chemicals: sulfuric acid (H<sub>2</sub>SO<sub>4</sub>), caustic soda, and polymer. Sybill dropped sodium bisulfite and aluminum sulfate in 1997. Sybill no longer has a rental boiler. There has been no process change.

There is no correspondence with a firehouse responding to an emergency.

3. Contingency plan and emergency procedures (Spill Prevention Control and Countermeasures plan if a separate used oil contingency plan is not available)[40 CFR 279.52(b)].

The Spill Prevention Control and Countermeasures Plan was presented. Beverly Kush signed a letter dated November 5, 1999, returning the facility to compliance.

4. Most recent tank inspection report [40 CFR 279.54(b)].

This was requested to satisfy the RCRA requirement for "good condition (no severe rusting, apparent structural defects or deterioration)." There is no tank integrity testing. Tank condition is recorded during a daily walk ("Tank Status Report"). A monthly inspection is written, "Sybill Facility Inspection Report."

5. List of tanks and containers used to receive, store, and process used oil. Identification of secondary containment for each unit [40 CFR 279.54(c), (d), and (e)].

All used oil tanks in the processing building rely on "pitch/grade sump" for secondary containment. See excerpted pages 9 to 12, headed "SPCC" on page 9, received 3/28/2000. The tipping floor center sump is 10 feet deep. The scale pit and tipping floor center sump are not identified as a "tank," but I believe both are used oil "aboveground tank(s)" as defined at 40 CFR 279.1.

Regardless of construction date, all oil processing tanks inside the building have secondary containment underneath the tanks, meeting the secondary containment requirement for "new aboveground tanks" at 40 CFR 279.54(e).

6. Written analysis plan (40 CFR 279.55 and 40 CFR 279.53).

Sybill provided the "SRS Environmental QA/QC Program", Revision 1.3, dated November 3, 1999. See separate regulatory review of that plan.

The on-site contract laboratory employee, Tom King, stated that PCBs are analyzed using method 8082 and that the GC solvent scan FID method used is 8015B. These methods are not the methods identified in the "SRS Environmental QA/QC Program." Tom stated that there is a day or two turnaround for analyses of received shipments. There is not a flash point set up in the lab, and metals analyses are not done on-site now.

7. Used oil acceptance and delivery records for the past three years [40 CR 279.56].

Sybill provided the blank form titled, "SAMPLE ANALYSIS" with these column headings: GENERATOR, MANIFEST #, OIL%, WATER %, RAG AND SOLIDS %, CL%, P.H, COLOR, ODOR, VISCOSITY.

Sybill also provided the blank form titled, "SRS ENVIRONMENTAL TRANSACTION LOG FOR DATE: \_\_\_\_\_" with these column headings: TIME TRUCK ARRIVED, TIME

TRUCK CONNECTED TO PUMP, LOAD UNLOAD, MANIFEST NUMBER, TOTAL GALLONS, GENERATOR, DISPOSITION, and TIME COMPLETED LOAD/UNLOAD.

On March 28, 2000, Sybill provided two computer printouts, one for the period from June 1, 1999 to December 31, 1999 and another for the period from January 1, 2000 to the time of the inspection. These printouts detail Sybill's customers for incoming wastewater and used oils and outbound used oil, including such details as customer names, pricing, and individual shipment amounts and oil/water/bottom sediment fractions. Sybill claimed confidential business information for this information.

8. Operating record (records and results of used oil analyses, summary reports and details of all incidents that require implementation of the contingency plan [40 CFR 279.57].

The operating record appears to consist of the computerized tracking system described above in number 7, the two part shipping order/straight bill of lading, and the results of chemical analysis reports which were hand-copied during the inspection. Additional information should be requested to demonstrate how Sybill links all the pieces together for a few individual shipments from and to each customer.

9. Copy of letter report to MDEQ (dated between 12/31/1999 and 3/1/2000) for calendar year 1999, identifying the facility, the quantity of oil processed/re-refined, and the specific processes employed [279.57(b)].

Sybill presented a letter addressed to Ms. Mary Villarreal of U.S. EPA, Region 5.

10. Identification of wastes generated, waste characterization and management records for the past 3 years [40 CFR 279.59].

Reviewed chemical waste analyses and documents showing shipment of waste off-site as Michigan waste code 029L. Notes on the used oil fuel marketer checklist also indicate parts washer waste determination as D001 and D039.

11. List of purchasers of off-spec used oil fuel for the past 3 years, if available, and certifications from each burner [40 CFR 279.75].

Sybill claims to market only on-specification used oil fuel and ships partially processed oil to another used oil processor. These shipments are documented in the computer printouts.

12. Records to show that each shipment of used oil fuel meets the specification for the past three years, if available [40 CFR 279.72].

Mike Valentino hand copied Sybill's analytical results to show that used oil shipped off-site was on-specification. In all instances, both the reported detection limits and the concentrations detected for arsenic, cadmium, chromium, and lead were below the regulatory thresholds. In all instances, the flash point was greater than 100 degrees Fahrenheit. In 19 out of 23 instances, total halogens exceeded 1,000 ppm and triggered U.S. EPA's used oil presumption of mixture with a halogenated hazardous waste. In all of these instances, Sybill analyzed a sample of the used oil for constituents of hazardous waste listed as F001/F002 and found insignificant concentrations. Sybill also analyzed for PCBs and found less than 2 ppm. (Rebuttal analyses for in-bound waste streams apparently were not presented at the time of the inspection.)

13. List of purchasers of non-fuel used oil product for the past 3 years [40 CFR 279.10(e)].

Sybill provided this information with the printouts of shipments received and sent (for the period from June 1, 1999 to December 31, 1999 and from January 1, 2000 to the month of March, 2000) on March 28, 2000.

F:\user\sbrauer\usedoil\sybill\documents to be reviewed, srb 3/7/2000

F:\user\sbrauer\usedoil\sybill\March 2000 RCRA documents reviewed.wpd, srb 6/28/00

## SYBILL, INC. MMI - ECAT BRIEFING

May 31, 2000

### Facility Background:

Sybill, Inc., which does business under the name SRS Environmental, is a used oil processor and marketer located in an economically depressed residential/commercial section in the Delray community of southwest Detroit. The facility began operations at its present location in 1992. Sybill employs 12 at this location, and operates 7 days per week, 24 hours per day. The facility receives a wide range of non-hazardous wastewater and used oil streams, ranging in oil content from roughly 2% to about 95%. Through-put is roughly 150,000 gallons per day. Wastewaters and waste oils are received by tanker truck, which unload at the processing building through four unloading bays. Through indirect heating, addition of chemicals such as de-emulsifiers, separation of the water phase, solids removal and, in some cases (roughly 10% of through-put), through the addition of sulfuric acid, the facility is able to produce oil for resale as fuel.

Unloading, filling and treatment operations (*i.e.*, by heating to as high as 200 degrees F and by liquid sparging with sulfuric acid) result in the release of volatile organics and hydrogen sulfide. Although the facility has installed a scrubber for treating its air emissions, and is operating under a permit issued by the Wayne County Dept. of Public Health, APCD, odors from the facility have generated numerous citizens complaints. From 1994 to the present, Wayne Co. has issued over 100 formal violations for offensive odors. The company was fined by the county in 1995, for the amount of \$15,500.00. In December 1999, a class action suit was filed against Sybill in Wayne Co. Circuit Court, requesting that the odors stop. Prior to initiating the inspection, members of the Region 5 MM team drove around the facility and nearby community. Odors from the facility were strong within a two-block radius.

A RCRA Complaint was issued to Sybill on September 24, 1998, alleging three counts: (1) failure to notify as a used oil marketer; (2) operating without a hazardous waste storage permit (note: Sybill failed to rebut the presumption that the oil it received which exceeded 1000 ppm total halogens was mixed with a hazardous waste, and by the mixture rule, was hazardous); (3) failure to obtain EPA ID number for transporting hazardous waste (note: this relates to used oil shipments from Rouge Steel which exceeded the 1000 ppm total halogen limit). The Complaint was amended on August 27, 1999, and moved to reduce the penalty from 864K to 148K.

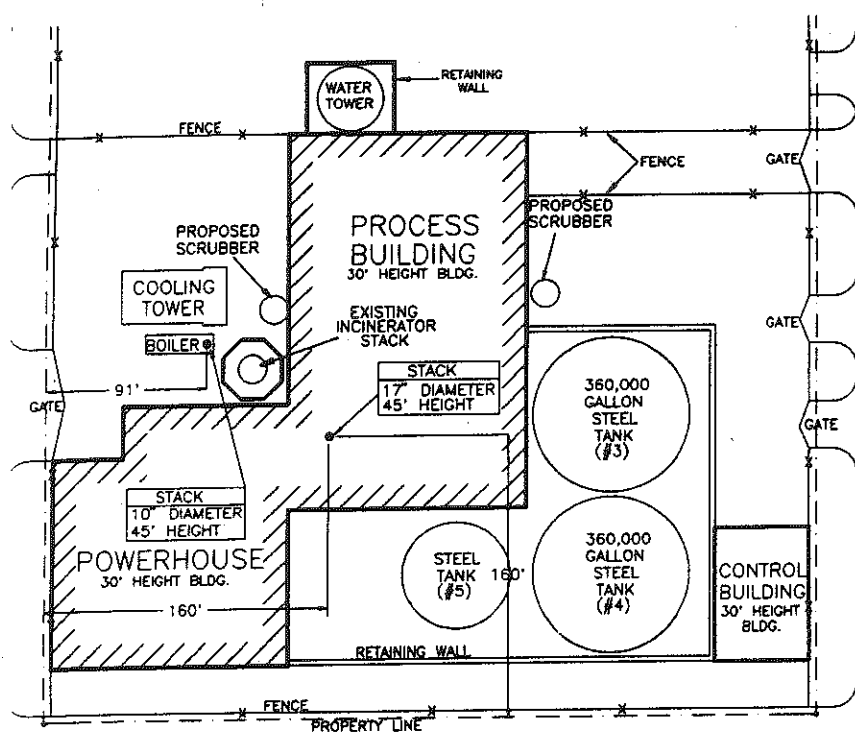
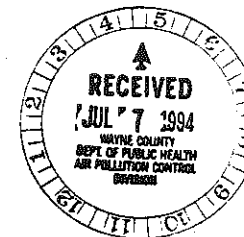
On March 21, 2000, a letter was sent to Sybill's president, Vasilios Madias, notifying him of the multimedia inspection the following week. The MMI covered two days, March 27<sup>th</sup> and 28<sup>th</sup>. Region 5 was accompanied by the Michigan Department of Environmental Quality, City of Detroit Water & Sewerage Department, Wayne Co. APCD, and the City of Detroit Department of Environmental Affairs.

Order of Presentations:

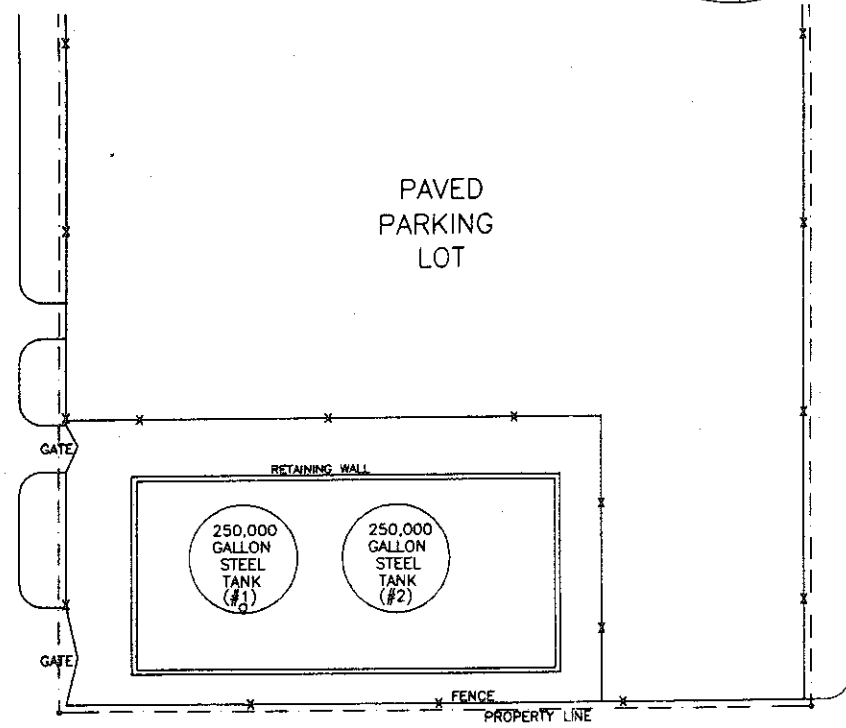
- 1) Facility background: Mike Valentino, WPTD
- 2) CAA findings: Jeff Gahris, ARD
- 3) RCRA Used Oil findings: Sue Brauer, WPTD
- 4) CWA findings: Sudhir Desai, WD
- 5) EPCRA findings: James Entzminger, OSF, OCEPP
- 6) RCRA findings: Mike Valentino, WPTD

Milestones:

- |   |                    |
|---|--------------------|
| 1) Information request(s)                         | June 30, 2000      |
| 2) Draft MMI Report to ECAT                       | June 30, 2000      |
| 3) Final MMI Report to ECAT                       | August 31, 2000    |
| 4) Recommendations for enforcement action to ECAT | September 6, 2000  |
| 5) SBREFA pre-filing letter                       | September 27, 2000 |
| 6) Complaint or Referral                          | October 31, 2000   |



MILITARY AVENUE



CAVALRY AVENUE

RAILROAD RIGHT-OF-WAY

**LEGEND:**

- \*—\*— FENCE
- — — PROPERTY LINE

SYBILL

INITIAL DRAWING DESCRIPTION DATE ISSUE		SYBILL DETROIT, MICHIGAN 93-588	
		STACK LAYOUT MAP	
06/03/94		SCALE: 1" = 60'	DRAWN BY: JCZ
1		DESIGNED BY: JCZ	DATE: 06/03/94
		<b>ECT</b> Environmental Consulting & Technology, Inc.	
		SHEET NO. 3	

To: Karl Karg, ORC, C-14J  
Mike Valentino, WP&TD, DRE-9J  
Sue Brauer, WP&TD, DRP-8J

From: Jeff Gahris, ARD, AE-17J

Subj: GM manager calls to inquire about Sybill

I was about to send the attached e-mail, but the server crashed, so I am using snail-mail. Jeff.

Jeffrey Gahris

05/21/01 09:12 AM

To:  
cc:  
Subject:

Karl,

On Friday, I finally spoke with Don Smolensky (SP?), a Program Manager for Environmental Services, Chemical Resource Management, General Motors Worldwide Facilities Group.

Mr. Smolensky expressed concern that Sybill has not improved its environmental record over the last year and a half since GM received assurances that it would do so. He added that, from his perspective, Sybill does not have the attitude of trying its best to make improvements.

I explained that EPA is still in an information-gathering mode, with the issuance of the 114 information request. I added that we had issued an NOV which mirrors the Wayne County's NOV's, both of which were based in large part on last year's multi-media inspection. GM has obtained at least some of Wayne County's files on Sybill, which probably includes a copy of our NOV. I indicated there was also a RCRA side to the investigation, but he didn't ask any follow-up questions.

I asked whether Sybill is receiving GM wastes similar to what GM previously processed at the old Clark Street facility in Southwest Detroit. He said yes, and explained that these materials include cutting oils that contain "sulfurized" materials which cause the release of hydrogen sulfide and mercaptans.

Jeff.

Per the May 5, 2000 State/U.S. EPA Enforcement Action Communications Plan, I am sending this e-mail to you to inform you that today, August 3, 2000, U.S. EPA is sending, by certified mail, a notice of violation (NOV) to Sybill, Inc. located in Detroit, Michigan. The NOV include allegations of RCRA violations detected during the joint U.S. EPA /MDEQ/City of Detroit Compliance Evaluation Inspection on March 27 and 28, 2000.

Michael Valentino is the U.S. EPA contact for this NOV and he could be reached at (312) 886-4582.

No press release is planned.

As you know, U.S. EPA, Region 5, and the States agree that communications on enforcement matters in advance of filing or settlement are confidential and, as such, are not to be shared with respondents/defendants or the public.



AM

To: Baldwinf, Nashaj, Merrickj

Subject: Enforcement Action Communication

Please see attached U.S. EPA's enforcement action related to Sybill, Inc in Detroit, MI.



Enf. Action Comm



3345 Greenfield Road, Melvindale, Michigan 48122  
Telephone: (313) 382-9701 Facsimile: (313) 382-9764

April 14, 2000

Sue Rodenbeck Brauer  
RCRA Used Oil Expert  
US EPA Region 5  
Waste, Pesticides and Toxics Division  
77 W. Jackson Blvd. DW-8J  
Chicago, IL 60604-3590

RECEIVED  
APR 17 2000

PPPI SECTION - WMB  
Waste, Pesticides & Toxics Division  
U.S. EPA - REGION 5

Re: Follow-up information

Dear Sue:

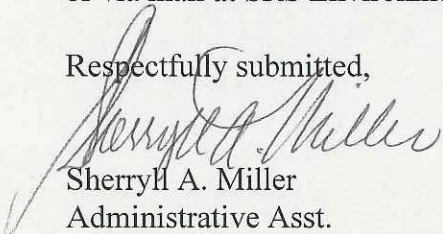
During the multi-media inspection of our facility located at 111 Military in Detroit, MI, you requested copies of certain documents. Enclosed in this package please find:

1. Monthly oil sample reports for Jan, Feb, March 2000
2. Photos of used oil labels on tanks and clarifier tanks marked also.
3. Emergency evacuation plan with each fire extinguisher location marked in red.
4. Copies of operator logs with operating temperatures recorded.

The Swanson Report was mailed on 3/31/00 to Jeffrey Gahris. The EPCRA Question Form with copies of all SARA Reports and notifications to fire departments, etc. is being sent to James Entzminger. The Clean Water Act information is being sent to Sudhir Defai.

If there is any other information required, please contact Otoma Edje at (313) 841-6190 or via mail at SRS Environmental 111 Military -- Detroit, MI 48209.

Respectfully submitted,

  
Sherryll A. Miller  
Administrative Asst.

pc: George Haratsaris - Plant Engineer  
V. C. Madias - CEO



JOHN ENGLER, Governor

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

*"Better Service for a Better Environment"*

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

DETROIT OFFICE  
SUITE 3600  
300 RIVER PLACE  
DETROIT MI 48207

April 5, 2000

Mr. George Haratsaris  
Plant Manager  
SRS Environmental  
111 Military  
Detroit, 48209

Dear Mr. Haratsaris:

SUBJECT: MIG 000 050 635

On March 27, 2000, staff of the Department of Environmental Quality (DEQ) conducted an inspection of SRS Environmental (hereafter Facility), located at 111 Military, Detroit, Michigan, to evaluate compliance of that facility with Part 121, Liquid Industrial Wastes, MCL 324.12101 et seq., of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

Not all required areas of compliance were reviewed by DEQ staff during the abbreviated inspection. This inspection was conducted as part of a larger United States Environmental Protection Agency (USEPA) multi-media inspection. Subsequently, be advised that even though not all areas were inspected and reviewed, the Facility must comply with all applicable requirements.

As a result of the inspection, staff of the DEQ have determined that the above facility is in violation of the following:

1. Part 121, Section 12113(2), liquid industrial waste shall be managed to prevent discharge of liquid industrial waste to the soil, to the surface or ground water, into a drain or sewer, or in violation of part 55 (Air Quality Management). A spill of liquid industrial waste was observed near the scale pit. Please document that this spill has been cleaned up and document how the Facility will prevent such accumulations and spills in the future.

The following comment/issue, which is not a specific violation, was identified:

- A. Part 121, Section 12113(1), requires that all vehicles, containers and tanks used to hold liquid industrial waste shall be closed or covered, except when necessary to add or remove waste. A sump near the base of Tank 28 was used to collect washwater and the leakage from a steam line. This sump appeared to be nearly full, and was

April 6, 2000

uncovered, however, it can be considered in use, as it was being used to collect the leakage from the steam line. However, when not in use, this sump must be either closed or covered. Alternatively, the Facility may devise a system whereby any liquids collected in this sump are immediately removed (such as a sump pump activated whenever liquid industrial waste enters the sump). Please document how the Facility will be managing this sump in the future.

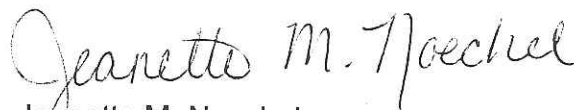
The Facility must respond to the violations, and is requested to respond to the comment/issue noted in this letter. Please submit documentation to this office regarding those actions taken to address the violations and the comment/issue by **May 8, 2000**. The DEQ will evaluate the response, determine the Facility's compliance status, and notify you of this determination.

This letter of warning does not preclude nor limit the DEQ's ability to initiate any other enforcement action, under state or federal law, as deemed appropriate.

Enclosed, for your information, is a handout explaining the Pollution Incident Prevention Plan required for certain facilities under Part 31, Water Resources Protection, MCL 324.3101 et seq. of the NREPA; a short information sheet on waste minimization; an information sheet on recycling fluorescent bulbs; and information on polychlorinated biphenyl (PCB) ballasts.

If you have any questions, please feel free to contact me.

Sincerely,

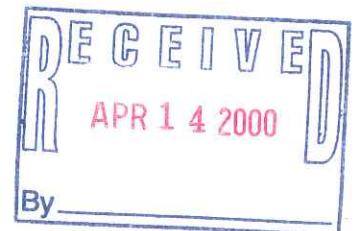


Jeanette M. Noechel  
Environmental Quality Analyst  
Waste Management Division  
313-392-6524

drs

Enclosures

cc: Ms. Sarah Lile, Detroit Department of Environmental Affairs  
Ms. Sue Rodenbeck Brauer/~~Mr. Mike Valentino~~, USEPA  
Dr. Benedict N. Okwumabua, DEQ, WMD



RECEIVED

APR 13 2000

Waste Management

10/18/99

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:

SYBILL, INC.

111 Military Avenue

Detroit, Michigan 48209

EPA ID No. MIR 000 022 400

)  
) Docket No. 5-RCRA-011-98  
)  
)  
)  
)  
)  
)

CONSENT AGREEMENT AND FINAL ORDER

I. PREAMBLE

On September 24, 1998, the United States Environmental Protection Agency (U.S. EPA) filed a Complaint in this matter pursuant to Section 3008(a) of the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6926(a), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. On August 27, 1999, U.S. EPA amended the Complaint, and moved to reduce the proposed penalty to \$148,067. The motion was granted on September 20, 1999. The Complainant is the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, United States Environmental Protection Agency. The Respondent is Sybill, Inc., the owner and operator of a facility located at 111 Military Avenue, Detroit, Michigan, 48209-4102.

II. STIPULATIONS

The Parties, desiring to settle this action, enter into the

following stipulations:

1. Respondent has been served with a copy of the Amended Complaint, Findings of Violation and Compliance Order Docket No. 8-RCRA-011-88 in this matter. The Amended Complaint is incorporated herein by reference.

2. Respondent owns and/or operates a facility located at 111 Military Avenue, Detroit, Michigan, 48207-4111 the "Facility".

3. Respondent admits the jurisdictional allegations of the Amended Complaint. Respondent agrees not to contest such jurisdiction in any proceeding to enforce the provisions of this Consent Agreement and Final Order (CAFO).

4. Respondent neither admits nor denies the specific factual allegations contained in the Amended Complaint, other than admissions made in Respondent's Answer.

5. Respondent withdraws its request for a hearing and waives any and all rights under any provisions of law to a hearing on the allegations contained in the Amended Complaint or to challenge the terms and conditions of this CAFO.

6. If the Respondent fails to comply with any provision contained in this CAFO, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with the CAFO and/or to seek

an additional penalty for the noncompliance.

7. Respondent consents to the issuance of this CAFO and to the payment of a civil penalty. Pursuant to Sections 3008(a) and 3008(g) of RCRA, 42 U.S.C. §§ 6928(a) and 6928(g), the nature of the violations and other relevant factors, U.S. EPA has determined that an appropriate civil penalty to settle this action is ONE HUNDRED FORTY-EIGHT THOUSAND, SIXTY-SEVEN DOLLARS \$148,670. Respondent agrees not to claim or attempt to claim a Federal income tax deduction or credit covering all or any part of the cash civil penalty paid to the U.S. Treasury.

8. Respondent shall give notice and a copy of this CAFO to any successor in interest prior to any transfer of ownership or operational control of the Facility. This CAFO is binding on Respondent and any successors in interest.

9. On October 30, 1986, the State of Michigan was granted final authorization by the Administrator of the U.S. EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to administer a hazardous waste program in lieu of the Federal program. Section 3008 of RCRA, 42 U.S.C. § 6928, provides that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program. On September 10, 1992, the standards for the management of used oil at Subpart E of 40 CFR Part 266, were recodified, in part, at 40 CFR Part 279. See 57 FR 41566 (1992). Part 279 took effect in States without final

RCRA authorization 6 months after the publication date of March 8, 1993, and in States with RCRA base program authorization after the State revised its RCRA program to include the new requirements. On October 15, 1994, the State of Michigan adopted requirements equivalent to 40 CFR 279, and was granted final authorization by U.S. EPA to enforce these requirements on June 1, 1995.

On March 2, 1995, a representative of U.S. EPA conducted a RCRA used oil inspection of the Respondent's Facility pursuant to its authority under Section 3007 of RCRA, 42 U.S.C. Section 6927, in order to determine its compliance with the appropriate State and Federal used oil management requirements. On September 18, 1995, U.S. EPA sent an information request to Respondent, pursuant to RCRA Section 3007, requesting further information regarding Respondent's used oil management activities.

Beginning on October 20, 1995, and at various times thereafter, Respondent provided information in response to U.S. EPA's information requests, and in response to issues raised at meetings and in negotiations.

10. Nothing in this CAFO shall be construed to relieve Respondent from its obligation to comply with all applicable Federal, State and local statutes and regulations, including the RCRA Subtitle C requirements at 40 C.F.R. Parts 260 through 270.

11. This CAFO shall become effective on the date it is

signed by the Director, Waste, Pesticides and Toxics Division.

### III. FINAL ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Final Order:

12. Respondent shall, immediately upon the effective date of the Final Order, cease transportation, treatment, storage, or disposal of all hazardous waste except where such activities shall be in compliance with the applicable hazardous waste standards and regulations for hazardous waste transportation, treatment, storage, or disposal facilities.

13. Respondent shall, within thirty (30) days of the effective date of this Final Order, submit a written waste management plan for review and approval by U.S. EPA describing the management of all shipments of used oil accepted by and shipped from the Respondent's facility. The waste management plan will describe the procedures that will be followed by the Respondent to achieve and maintain compliance with the applicable requirements of MAC R 299.9806 (40 CFR Part 279, Subpart H), including a written analysis plan describing the procedures and methods that will be used to determine and demonstrate that used oil accepted meets the total halogen requirements under MAC R 299.9805(2) (40 CFR Part 279.10(b)(1)(ii)), and that the used oil fuel meets the specifications listed in MAC R 299.9805(1), (40

CFR 279.110.

14. Respondent shall, within 30 days of the U.S. EPA's approval of the Waste Management Plan specified above, implement the plan as required by the U.S. EPA.

15. In addition to implementing the Waste Management Plan, all used oil marketing will be conducted pursuant to, and in compliance with the applicable requirements of MAC R 299.9805 (40 CFR 279, Subpart H, Standards for Used Oil Fuel Marketers).

16. Respondent shall, within 120 days of the effective date of this Final Order, demonstrate compliance with MAC R 299.9805(2) (40 CFR 279.10(b)(1) (i) rebuttable presumption for used oil containing more than 1000 ppm total halogens)) by demonstrating that the used oil does not contain hazardous waste by using an analytical method from the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, Edition III, for each waste stream received by the facility for 90 days. During that same 90 day period, any used oil shipments from Rouge Steel (MID 087 738 431) to Respondent shall include an SW-846 analysis for the contaminants listed in 40 CFR Part 261.24(b), Table 1. For each waste stream containing more than 1,000 ppm total halogens, Respondent shall rebut the presumption of mixture with a halogenated hazardous waste either by using an analytical method from SW-846 to demonstrate that the used oil does not contain significant

concentrations of halogenated hazardous constituents or by using knowledge to show that the source of halogenated constituents are from exempted sources such as household hazardous waste or conditionally-exempt small quantity generators.

17. Respondent shall, within 90 days of the effective date of this Final Order, submit a letter enclosing a new Notification of Regulated Waste Activity EPA Form 8700-11 or a certification that the March 1997 notification is still true, accurate and complete.

18. Respondent shall, within one-hundred (100) days of the effective date of this Final Order, submit for review and approval a written closure plan for the affected hazardous waste management units to the Michigan Department of Environmental Quality (MDEQ).

19. Respondent shall, within one-hundred (100) days of the approval date of the closure plan, implement the MDEQ approved closure plan and submit certification of closure activities to the MDEQ.

20. Respondent shall notify U.S. EPA upon achieving compliance with Paragraphs 12 through 19 of this Final Order within fifteen (15) calendar days of the date compliance is achieved. If any required action has not been taken or completed in accordance with any requirement of this Final Order, Respondent shall notify U.S. EPA of the failure, its reasons for

the failure, and the proposed date for compliance within ten (10) calendar days of the due date set forth in the Final Order.

Respondent shall address all correspondence concerning this Final Order, by certified mail, to the U.S. EPA Region 5, Waste, Pesticides and Toxics Division, Enforcement and Compliance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, Attention: Bryan Hilborn.

21. Respondent shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to U.S. EPA pursuant to this CAFO. Respondent shall provide documentation of any such underlying research and data to U.S. EPA within seven (7) calendar days of a request for such information. In all documents or reports submitted to U.S. EPA pursuant to this CAFO, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

22. Whenever, under the terms of this CAFO, notice is required to be given or a document sent by one Party to another, it shall be directed to the individuals at the addresses

specified below:

As to U.S. EPA:

Mr. Bryan Holthrop  
Enforcement & Compliance Assurance Branch DE-95  
United States Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

As to Respondent:

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

23. Respondent shall also submit a copy of all documents and correspondence regarding this CAFO to MDEQ, c/o: Ms. Joanne Merrick, Waste Management Division, P.O. Box 30241, Lansing, Michigan 48909-7741.

24. Within thirty (30) calendar days of the effective date of this CAFO, Respondent shall pay fifty per cent (50%) of the total civil penalty in the amount of SEVENTY-FOUR THOUSAND, THIRTY-THREE DOLLARS AND FIFTY CENTS (\$74,033.50) and, within one hundred and eighty (180) days of the effective date of this CAFO, Respondent shall pay the other fifty per cent (50%) of the total civil penalty in the amount of SEVENTY-FOUR THOUSAND, THIRTY-THREE DOLLARS AND FIFTY CENTS (\$74,033.50). Payment shall be made by cashier's or certified checks, to the order of "Treasurer, United States of America". The checks shall be mailed to: U.S. EPA, Region 5, Regional Finance Office, P.O. Box

70753, Chicago, Illinois 60673. The name of the Respondent, the billing document number and the Docket Number of this proceeding shall be clearly marked on the face of the checks. Copies of the transmittals of the payment shall be sent to: the Regional Hearing Clerk, Resource Management Division M-19J; Tom Turner, Associate Regional Counsel AC-145; and Bryan Holtrop, Enforcement and Compliance Assurance Branch EE-35; U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

25. Pursuant to 31 U.S.C. § 3717, Respondent shall pay the following amounts on any amount overdue under this CAFO:

(a) Interest. Any unpaid portion of a civil penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

(b) Monthly Handling Charge. Respondent shall pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent thirty (30) calendar day period over which an unpaid balance remains.

(c) Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) calendar days past due, Respondent shall pay a non-payment penalty of six percent (6%) per annum, which

will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs a and b.

26. Failure to comply with any provision of this CAFO shall subject Respondent to injunctive relief in U.S. District Court and liability for a civil penalty of up to Twenty-Seven Thousand Five Hundred Dollars \$27,500 for each day of continued noncompliance, pursuant to Section 3095(c) of RCRA, 42 U.S.C. § 6928(c), as amended.

27. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of U.S. EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

28. This CAFO constitutes the entire settlement between the parties, and constitutes final disposition of the Amended Complaint filed in this case.

29. Each party shall bear its own costs and attorneys' fees in the action resolved by this CAFO.

30. This CAFO shall terminate after U.S. EPA's review of Respondent's notification(s) submitted pursuant to Section III, paragraphs 13-21, when U.S. EPA determines that Respondent has fully complied with all terms and conditions of this CAFO,

including payment, in full, of all penalties due and owing, and U.S. EPA provides written notice to Respondent of such termination.

31. The information required to be maintained or submitted pursuant to this CAFO is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq.

32. Notwithstanding any other provision of this Final Order, U.S. EPA expressly reserves any and all rights to bring an enforcement action pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the Facility may present an imminent and substantial endangerment to health or the environment. U.S. EPA also expressly reserves the right: (a) for any matters other than violations alleged in the Amended Complaint, to take any action authorized under Section 3008 of RCRA; (b) to enforce compliance with the applicable provisions of the Michigan Administrative Code; and (c) to take any action under 40 C.F.R. Parts 124 and 270; and (d) to enforce compliance with this CAFO.

13

#### IV. SIGNATORIES

Each undersigned representative of a Party to this Consent Agreement and Final Order consisting of 13 pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Agreed to this 18th day of October, 1997

By: [Signature]  
SYBILL, INC.  
Signing Official or Legal Representative  
Title: President and CEO.  
For Sybill, Inc.,  
Respondent

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_

By: \_\_\_\_\_  
Joseph M. Boyle, Chief  
Waste, Pesticides and Toxics Division  
Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5,  
Complainant

The above being agreed and consented to, it is so ordered  
this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

By: \_\_\_\_\_  
Robert L. Springer, Director  
Waste, Pesticides and Toxics Division  
U.S. Environmental Protection Agency, Region 5

IN THE MATTER OF:  
SYBILL, INC.  
111 Military Avenue  
Detroit, Michigan 48209  
DOCKET NO. 5-RCRA-011-99

OCT 14 1999 17:57

312 826 8747

PAGE.15

OCT 18 1999 10:54

PAGE.22

\*\* TOTAL PAGE.02 \*\*

111 S. MILITARY

26/2445

2-8-99

SRS Environmental (SYBILL Recycling Services)(SRS)  
(formerly SYBILL)

Vasilios (Bill) Madias, Owner (382-9701)

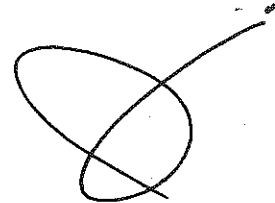
, Plant Manager (841-6445)

Mobil Pager (304-6847)

George Haratsaris, Facilities Engineer (582-2520)

Gary Berndt, Compliance Officer (841-6445)

3345 Greenfield, Melvindale, MI 48122 (FAX 841-6446)



EDUCATION & OUTREACH

DA ROCHA

Per Bob Zabick, I had attempted to reach Mr Berndt, notifying him of the **February 25, 1999 GNUI meeting downriver**. I tried via telephone and FAX without success.

Spoke with Mr Berndt. I learned that they are in the process of changing over to Ameritech Voice Mail and the present hand sets are not compatible.

I provided him with the Citizen Complaints for SRS and asked that he be prepared to respond as to efforts to correct these complaints. He is ready to attend GNUI meetings and Mr Madias/SRS's representative.

Also, I obtained the two (2) telephone numbers that work in finding him, etc. They are; his **mobile pager (313) 363-5189** and the **Main Office number (313) 382-9701**.

Mission Accomplished.

(CA-028)

FILE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

NOV 05 1999

HAND DELIVERED

Regional Hearing Clerk  
United States  
Environmental Protection Agency-Region V  
77 West Jackson Blvd. - 19th Fl.  
Chicago, IL 60604-3590

C-14J

Re: U.S. EPA v. Sybill, Inc.  
Docket No. 5-RCRA-011-98 - Consent Agreement and Final Order

Dear Sir or Madam:

Enclosed please find an original of U.S. EPA's fully executed Consent Agreement and Final Order (CAFO) in the above-mentioned case. I have mailed a copy of this CAFO to the Administrative Law Judge (ALJ), and an original and a copy to Respondent.

Sincerely yours,

Thomas P. Turner  
Associate Regional Counsel

Enclosure

cc: Hon. Susan L. Biro, Chief ALJ (mail code: 1900)  
Bryan Holtrop, RCRA Enf. Br. (DE-9J)  
Richard D. Connors, Esq.,  
Plunkett & Cooney, Counsel for Sybill, Inc.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 05 1999

By Facsimile (letter only) and  
Certified Mail/Return Receipt Requested

REPLY TO THE ATTENTION OF:

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

C-14J

Re: U.S. EPA v. Sybill, Inc.  
Docket No. 5-RCRA-011-98 - Consent Agreement and Final Order

Dear Mr. Connors:

I have enclosed one original and a copy of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The other original was filed on November 5, 1999, with the Regional Hearing Clerk. This is also to give you notice of the effective date of this CAFO, as the date of issuance and filing, November 5, 1999. (I have also mailed a copy of the CAFO to the Chief Administrative Law Judge, Susan L. Biro).

Pursuant to the language of the CAFO, at Part III, Paragraph 24, within 30 days and 180 days of the effective date of the enclosed CAFO., please pay the civil penalty in the manner prescribed in paragraphs 7 and 24 of the CAFO, and reference your checks with the number BD05620000!

Thank you for your cooperation in resolving this matter.

Sincerely yours,

Tom Turner  
Associate Regional Counsel  
Enclosure

cc: Regional Hearing Clerk/E-19J (w/CAFO)  
Chief ALJ (w/CAFO)  
Bryan Holtrop, RCRA Enf. and Cmpl. Assur. Br. (DE-9J) (w/CAFO)  
Dorothy Price, Finance, MF-10J (w/CAFO)



cc: Bryan Anthony

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

NOV 05 1999

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Hon. Susan L. Biro  
Chief, Administrative Law Judge  
Mail code: (1900)  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

C-14J

Re: U.S. EPA v. Sybill, Inc.  
Docket No. 5-RCRA-011-98 - Completed Settlement

Dear Chief Judge Biro:

Enclosed please find a copy of the final settlement document (CAFO) in the above referenced case. The parties truly appreciate your aid and patience in helping to resolve this matter.

Please contact me with any questions or comments at (312) 886-6613.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Thomas P. Turner".

Thomas P. Turner  
Associate Regional Counsel

Enclosure  
cc: U.S. EPA Regional Hearing Clerk  
Region 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )  
 ) Docket No. 5-RCRA-011-98  
SYBILL, INC. )  
111 Military Avenue )  
Detroit, Michigan 48209 )  
 )  
EPA ID No. MIR 000 022 400 )  
\_\_\_\_\_ )

CONSENT AGREEMENT AND FINAL ORDER

I. PREAMBLE

On September 24, 1998, the United States Environmental Protection Agency (U.S. EPA) filed a Complaint in this matter pursuant to Section 3008(a) of the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6928(a), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. On August 27, 1999, U.S. EPA amended the Complaint, and moved to reduce the proposed penalty to \$148,067. The motion was granted on September 20, 1999. The Complainant is the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, United States Environmental Protection Agency. The Respondent is Sybill, Inc., the owner and operator of a facility located at 111 Military Avenue, Detroit, Michigan, 48209-4102.

II. STIPULATIONS

The Parties, desiring to settle this action, enter into the

following stipulations:

1. Respondent has been served with a copy of the Amended Complaint, Findings of Violation and Compliance Order (Docket No. 5-RCRA-011-98) in this matter. The Amended Complaint is incorporated herein by reference.

2. Respondent owns and/or operates a facility located at 111 Military Avenue, Detroit, Michigan, 48205-4102 (the "Facility").

3. Respondent admits the jurisdictional allegations of the Amended Complaint. Respondent agrees not to contest such jurisdiction in any proceeding to enforce the provisions of this Consent Agreement and Final Order (CAFO).

4. Respondent neither admits nor denies the specific factual allegations contained in the Amended Complaint, other than admissions made in Respondent's Answer.

5. Respondent withdraws its request for a hearing and waives any and all rights under any provisions of law to a hearing on the allegations contained in the Amended Complaint or to challenge the terms and conditions of this CAFO.

6. If the Respondent fails to comply with any provision contained in this CAFO, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with the CAFO and/or to seek

an additional penalty for the noncompliance.

7. Respondent consents to the issuance of this CAFO and to the payment of a civil penalty. Pursuant to Sections 3008(a) and 3008(g) of RCRA, 42 U.S.C. §§ 6928(a) and 6928(g), the nature of the violations and other relevant factors, U.S. EPA has determined that an appropriate civil penalty to settle this action is ONE HUNDRED FORTY-EIGHT THOUSAND, SIXTY SEVEN DOLLARS (\$148,067). Respondent agrees not to claim or attempt to claim a Federal income tax deduction or credit covering all or any part of the cash civil penalty paid to the U.S. Treasury.

8. Respondent shall give notice and a copy of this CAFO to any successor in interest prior to any transfer of ownership or operational control of the Facility. This CAFO is binding on Respondent and any successors in interest.

9. On October 30, 1986, the State of Michigan was granted final authorization by the Administrator of the U.S. EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to administer a hazardous waste program in lieu of the Federal program. Section 3008 of RCRA, 42 U.S.C. § 6928, provides that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program. On September 10, 1992, the standards for the management of used oil at Subpart E of 40 CFR Part 266, were recodified, in part, at 40 CFR Part 279. See 57 FR 41566 (1992). Part 279 took effect in States without final

RCRA authorization 6 months after the publication date of March 8, 1993, and in States with RCRA base program authorization after the State revised its RCRA Program to include the new requirements. On October 15, 1996, the State of Michigan adopted requirements equivalent to 40 CFR 279, and was granted final authorization by U.S. EPA to enforce these requirements on June 1, 1999.

On March 2, 1995, a representative of U.S. EPA conducted a RCRA used oil inspection of the Respondent's Facility pursuant to its authority under Section 3007 of RCRA, 42 U.S.C. Section 6927, in order to determine its compliance with the appropriate State and Federal used oil management requirements. On September 18, 1995, U.S. EPA sent an information request to Respondent, pursuant to RCRA Section 3007, requesting further information regarding Respondent's used oil management activities.

Beginning on October 20, 1995, and at various times thereafter, Respondent provided information in response to U.S. EPA's information request(s), and in response to issues raised at meetings and in negotiations.

10. Nothing in this CAFO shall be construed to relieve Respondent from its obligation to comply with all applicable Federal, State and local statutes and regulations, including the RCRA Subtitle C requirements at 40 C.F.R. Parts 260 through 270.

11. This CAFO shall become effective on the date it is

signed by the Director, Waste, Pesticides and Toxics Division.

### III. FINAL ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Final Order:

12. Respondent shall, immediately upon the effective date of the Final Order, cease transportation, treatment, storage, or disposal of all hazardous waste except where such activities shall be in compliance with the applicable hazardous waste standards and regulations for hazardous waste transportation, treatment, storage, or disposal facilities.

13. Respondent shall, within thirty (30) days of the effective date of this Final Order, submit a written waste management plan for review and approval by U.S. EPA describing the management of all shipments of used oil accepted by and shipped from the Respondent's facility. The waste management plan will describe the procedures that will be followed by the Respondent to achieve and maintain compliance with the applicable requirements of MAC R 299.9806 (40 CFR Part 279, Subpart H), including a written analysis plan describing the procedures and methods that will be used to determine and demonstrate that used oil accepted meets the total halogen requirements under MAC R 299.9805(2) (40 CFR Part 279.10(b)(1)(ii)), and that the used oil fuel meets the specifications listed in MAC R 299.9805(1), (40

CFR 279.11).

14. Respondent shall, within 30 days of the U.S. EPA's approval of the Waste Management Plan specified above, implement the plan as required by the U.S. EPA.

15. In addition to implementing the Waste Management Plan, all used oil marketing will be conducted pursuant to, and in compliance with the applicable requirements of MAC R 299.9806 (40 CFR 279, Subpart H, Standards for Used Oil Fuel Marketers).

16. Respondent shall, within 120 days of the effective date of this Final Order, demonstrate compliance with MAC R 299.9805(2) [40 CFR 279.10(b)(1)(i) (rebuttable presumption for used oil containing more than 1000 ppm total halogens)] by demonstrating that the used oil does not contain hazardous waste by using an analytical method from the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, Edition III, for each waste stream received by the facility for 90 days. During that same 90 day period, any used oil shipments from Rouge Steel (MID 087 738 431) to Respondent shall include an SW-846 analysis for the contaminants listed in 40 CFR Part 261.24(b), Table 1. For each waste stream containing more than 1,000 ppm total halogens, Respondent shall rebut the presumption of mixture with a halogenated hazardous waste either by using an analytical method from SW-846 to demonstrate that the used oil does not contain significant

concentrations of halogenated hazardous constituents or by using knowledge to show that the source of halogenated constituents are from exempted sources (such as household hazardous waste or conditionally-exempt small quantity generators).

17. Respondent shall, within 90 days of the effective date of this Final Order, submit a letter enclosing a new Notification of Regulated Waste Activity (EPA Form 8700-12) or a certification that the March 1997 notification is still true, accurate and complete.

18. Respondent shall, within one-hundred (100) days of the effective date of this Final Order, submit for review and approval a written closure plan for the affected hazardous waste management units to the Michigan Department of Environmental Quality (MDEQ).

19. Respondent shall, within one-hundred (100) days of the approval date of the closure plan, implement the MDEQ approved closure plan and submit certification of closure activities to the MDEQ.

20. Respondent shall notify U.S. EPA upon achieving compliance with Paragraphs 12 through 19 of this Final Order within fifteen (15) calendar days of the date compliance is achieved. If any required action has not been taken or completed in accordance with any requirement of this Final Order, Respondent shall notify U.S. EPA of the failure, its reasons for

the failure, and the proposed date for compliance within ten (10) calendar days of the due date set forth in the Final Order. Respondent shall address all correspondence concerning this Final Order, by certified mail, to the U.S. EPA Region 5, Waste, Pesticides and Toxics Division, Enforcement and Compliance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, Attention: Bryan Holtrop.

21. Respondent shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to U.S. EPA pursuant to this CAFO. Respondent shall provide documentation of any such underlying research and data to U.S. EPA within seven (7) calendar days of a request for such information. In all documents or reports submitted to U.S. EPA pursuant to this CAFO, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

22. Whenever, under the terms of this CAFO, notice is required to be given or a document sent by one Party to another, it shall be directed to the individuals at the addresses

specified below:

As to U.S. EPA:

Mr. Bryan Holtrop  
Enforcement & Compliance Assurance Branch (DE-9J)  
United States Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

As to Respondent:

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

23. Respondent shall also submit a copy of all documents and correspondence regarding this CAFO to MDEQ, c/o: Ms. Joanne Merrick, Waste Management Division, P.O. Box 30241, Lansing, Michigan 48909-7741.

24. Within thirty (30) calendar days of the effective date of this CAFO, Respondent shall pay fifty per cent (50%) of the total civil penalty in the amount of SEVENTY-FOUR THOUSAND, THIRTY-THREE DOLLARS AND FIFTY CENTS (\$74,033.50) and, within one hundred and eighty (180) days of the effective date of this CAFO, Respondent shall pay the other fifty per cent (50%) of the total civil penalty in the amount of SEVENTY-FOUR THOUSAND, THIRTY-THREE DOLLARS AND FIFTY CENTS (\$74,033.50). Payment shall be made by cashier's or certified checks, to the order of "Treasurer, United States of America". The checks shall be mailed to: U.S. EPA, Region 5, Regional Finance Office, P.O. Box

70753, Chicago, Illinois 60673. The name of the Respondent, the billing document number and the Docket Number of this proceeding shall be clearly marked on the face of the checks. Copies of the transmittals of the payment shall be sent to: the Regional Hearing Clerk, Resource Management Division (M-19J); Tom Turner, Associate Regional Counsel (C-14J); and Bryan Holtrop, Enforcement and Compliance Assurance Branch (DE-9J); U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

25. Pursuant to 31 U.S.C. § 3717, Respondent shall pay the following amounts on any amount overdue under this CAFO:

(a) Interest. Any unpaid portion of a civil penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

(b) Monthly Handling Charge. Respondent shall pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent thirty (30) calendar day period over which an unpaid balance remains.

(c) Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) calendar days past due, Respondent shall pay a non-payment penalty of six percent (6%) per annum, which

will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

26. Failure to comply with any provision of this CAFO shall subject Respondent to injunctive relief in U.S. District Court and liability for a civil penalty of up to Twenty-Seven Thousand Five Hundred Dollars (\$27,500) for each day of continued noncompliance, pursuant to Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), as amended.

27. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of U.S. EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

28. This CAFO constitutes the entire settlement between the parties, and constitutes final disposition of the Amended Complaint filed in this case.

29. Each party shall bear its own costs and attorneys' fees in the action resolved by this CAFO.

30. This CAFO shall terminate after U.S. EPA's review of Respondent's notification(s) submitted pursuant to Section III, paragraphs 13-21, when U.S. EPA determines that Respondent has fully complied with all terms and conditions of this CAFO,

including payment, in full, of all penalties due and owing, and U.S. EPA provides written notice to Respondent of such termination.

31. The information required to be maintained or submitted pursuant to this CAFO is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq.

32. Notwithstanding any other provision of this Final Order, U.S. EPA expressly reserves any and all rights to bring an enforcement action pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the Facility may present an imminent and substantial endangerment to health or the environment. U.S. EPA also expressly reserves the right: (a) for any matters other than violations alleged in the Amended Complaint, to take any action authorized under Section 3008 of RCRA; (b) to enforce compliance with the applicable provisions of the Michigan Administrative Code; and (c) to take any action under 40 C.F.R. Parts 124 and 270; and (d) to enforce compliance with this CAFO.

## IV. SIGNATORIES

Each undersigned representative of a Party to this Consent Agreement and Final Order consisting of 13 pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Agreed to this 18 day of OCTOBER, 1999 *Richard Connors, Esq. Sybill, Inc.*

By: *Richard Connors*

SYBILL, INC.

Signing Official or Legal Representative

Title: PRESIDENT & CEO

For Sybill, Inc.,

Respondent

Agreed to this 31<sup>st</sup> day of November, 1999

By: *Joseph M. Boyle*

Joseph M. Boyle, Chief

Waste, Pesticides and Toxics Division

Enforcement and Compliance Assurance Branch

U.S. Environmental Protection Agency, Region 5,

Complainant

The above being agreed and consented to, it is so ordered

this 3<sup>rd</sup> day of November, 1999.

By: *Robert L. Springer*

Robert L. Springer, Director

Waste, Pesticides and Toxics Division

U.S. Environmental Protection Agency, Region 5

IN THE MATTER OF:

SYBILL, INC.

111 Military Avenue

Detroit, Michigan 48209

DOCKET NO. 5-RCRA-011-98



IN THE MATTER OF: )  
 )  
SYBILL, INC., ) DOCKET No. 5-RCRA-011-98  
 )  
Respondent )

As you have been previously notified, I am designated to preside over this proceeding. This proceeding will be governed by the applicable statute(s) as well as the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (the "Rules of Practice") (40 C.F.R. §22.01 et seq.). The parties are advised to familiarize themselves with the both the applicable statute(s) and the Rules.

Agency policy strongly supports settlement and the procedures regarding documenting settlements are set forth in Section 22.18(a) of the Rules of Practice, 40 C.F.R. §22.18(a). Settlement discussions in this proceeding may already have been undertaken and, if so, the parties are commended for taking the initiative to resolve this matter informally and expeditiously. If those discussions have not yet commenced or if such discussions have stalled, each party is reminded that pursuing this matter through a hearing and possible appeals will require the expenditure of significant amounts of time and financial resources. The parties should also realistically consider the risk of not prevailing in the proceeding despite such expenditures. A settlement allows the parties to control the outcome of the case, whereas a judicial decision takes such control away. With such thoughts in mind the parties are directed to engage in a settlement conference on or before **June 15, 1999**, and attempt to reach an amicable resolution of this matter. The Complainant shall file a status report regarding settlement on or before **June 21, 1999**. If the case is settled, the Consent Agreement and Final Order signed by the parties should be filed no later than **July 25, 1999**, with a copy sent to the undersigned.

Should a settlement not be reached on or before the dates set forth above, the parties must prepare for hearing and shall strictly comply with the prehearing requirements of this Order.

The requirements of this Order will meet some of the purposes of a prehearing conference, as permitted by Section 22.19(e) of the Rules. Accordingly, it is directed that the following prehearing exchange take place between the parties:

1. Pursuant to Section 22.19(b) of the Rules, each party shall submit:

(A) the names of the expert and other witnesses intended to be called at hearing, with a brief narrative summary of their expected testimony;

(B) copies of all documents and exhibits intended to be introduced into evidence. Included among the documents produced shall be a curriculum vita or resume for each identified expert witness. The documents and exhibits shall be identified as "Complainant's" or "Respondent's" exhibit, as appropriate, and numbered with Arabic numerals (e.g., Complainant's Ex. 1); and

(C) a statement as to its views as to the appropriate place of hearing and estimate the time needed to present its direct case. See Sections 22.21(d) and 22.19(d) of the Rules.

2. In addition, the Complainant shall submit the following as part of its Initial Prehearing Exchange:

(A) a copy of the June 6, 1995, Inspection Report which recorded the observations made by the EPA representative during the March 2, 1995, inspection of the Respondent's facility;

(B) a copy of the EPA's September 18, 1995, information request and the Respondent's October 20, 1995, response to this request, including all the supporting documents;

(C) a copy of the Notification of Hazardous Waste Activity filed by the Respondent in Michigan on March 18, 1997;

(D) a detailed narrative statement and a copy of any documents in support, responding to Respondent's allegation in Paragraph 18 of its Answer that there was a verbal agreement between the Respondent and the EPA which permitted Respondent to provide a limited sampling of manifests during the period from 1992 through 1995;

(E) a copy of any documents in support of the

allegations in Paragraphs 24 and 28 of the Complaint;

(F) a copy of the analytical results which Respondent submitted on April 29, 1998, May 19, 1998, May 22, 1998, and June 8, 1998;

(G) a detailed narrative explanation of the calculation of the proposed penalty, addressing each factor listed in the RCRA Civil Penalty Policy;

(H) a copy of any other penalty policies or guidelines relied upon by Complainant in calculating the proposed penalty; and

(I) a statement regarding whether the Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. §3501 et seq., applies to this proceeding, whether there is a current Office of Management and Budget control number involved herein and whether the provisions of Section 3512 of the PRA are applicable in this case.

3. Respondent shall also submit the following as part of their Prehearing Exchange:

(A) a detailed narrative statement and a copy of any documents in support, explaining the factual and/or legal bases for Respondent's denial in Paragraph 4 of its Answer and Respondent's allegation that it never intended to transport, receive, or treat hazardous waste at its facility on Military Avenue, Detroit Michigan;

(B) a detailed narrative statement, and any documents in support, describing the alleged verbal agreement between the EPA and Respondent referred to in Paragraph 18 of Respondent's Answer and identifying each of the parties who represented Respondent and the EPA when this agreement was made;

(C) a copy of any documents in support of Respondent's allegations regarding the April 12, 1993, sample described in Paragraphs 34 and 35 of its Answer;

(D) a detailed narrative statement, and a copy of any documents in support, explaining the factual and/or legal bases for Respondent's denials of Paragraphs 41, 42, 43 and 48 of the Complaint;

(E) if Respondent is taking the position that it is unable to pay the proposed penalty, or that payment of a penalty

will adversely affect its ability to continue in business, Respondent shall state such position in the prehearing exchange and shall furnish a copy of any and all documents it intends to rely upon in support thereof.

4. Complainant shall submit as part of its Rebuttal Prehearing Exchange a response to Respondent's replies to the inquiries set forth in Paragraphs 3(A) through (E) above.

The prehearing exchanges called for above shall be filed in seriatim fashion, pursuant to the following schedule:

- July 25, 1999 - Complainant's Initial Prehearing Exchange
- August 16, 1999 - Respondent's Prehearing Exchange, including any direct and/or rebuttal evidence
- August 30, 1999 - Complainant's Rebuttal Prehearing Exchange

Section 22.19 of the Rules of Practice provides that documents and witnesses identities which have not been exchanged shall not be introduced into evidence at the hearing. Therefore, each party should thoughtfully prepare its prehearing exchange.

The Complaint herein gave the Respondent notice and opportunity for a hearing, in accordance with Section 554 of the Administrative Procedure Act (APA), 5 U.S.C. § 554. In its Answer to the Complaint, the Respondent requested such a hearing. In this regard, Section 554(c)(2) of the APA sets out that a hearing be conducted under Section 556 of the APA. Section 556(d) provides that a party is entitled to present its case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Thus, the Respondent has the right to defend itself against the Complainant's charges by way of direct evidence, rebuttal evidence or through cross-examination of the Complainant's witnesses. Respondent is entitled to elect any or all three means to pursue its defenses. If the Respondent intends to elect only to conduct cross-examination of Complainant's witnesses and to forgo the presentation of direct and/or rebuttal evidence, the Respondent shall serve a statement to that effect on or before the date for filing its prehearing exchange. The Respondent is

hereby notified that its failure to either comply with the prehearing exchange requirements set forth herein or to state that it is electing only to conduct cross-examination of the Complainant's witnesses, can result in the entry of a default judgment against it. The Complainant is notified that its failure to file its prehearing exchange in a timely manner can result in a dismissal of the case. THE MERE PENDENCY OF SETTLEMENT NEGOTIATIONS DOES NOT CONSTITUTE A BASIS FOR FAILING TO STRICTLY COMPLY WITH THE PREHEARING EXCHANGE REQUIREMENTS.

Prehearing exchange information required by this Order to be sent to the Presiding Judge, as well as any other further pleadings, if sent by mail, shall be addressed as follows:

The Honorable Susan L. Biro  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
401 M Street, S.W.  
Washington, D.C. 20460

Hand-delivered packages transported by Federal Express or another delivery service which x-rays their packages as part of their routine security procedures, may be delivered directly to the Offices of the Administrative Law Judges at 1099 14th Street, N.W., Suite 350, Washington, D.C. 20005.

Telephone contact may be made with my legal assistant, Maria Whiting-Beale at (202) 564-6259 or my staff attorney, Lisa Knight, Esquire at (202) 564-6291. The facsimile number is (202) 565-0044. Decisions of the Office of Administrative Law Judges are available electronically through the Internet at [www.epa.gov/oalj](http://www.epa.gov/oalj) or through electronic legal research tools, such as Lexis.

Prior to filing any Motion, the moving party is directed to contact the other party or parties to determine whether the other party has any objection to the granting of the relief sought in the Motion. The Motion shall then state the position of the other party or parties. No Motion shall be considered without such a statement, however the mere consent of the other parties to the relief sought does not assure that the Motion will be granted and no reliance should be placed on the granting of an unopposed Motion. Furthermore, all Motions must be submitted in sufficient time to permit the filing of a response by the other parties and the issuance of a Decision on the Motion before any relevant deadline set by this or any subsequent order. Sections

22.16(b) and 22.07(c) of the Rules of Practice, 40 C.F.R. §§22.16(b) and 22.07(c), allow a ten-day response period for Motions with an additional five days added thereto if the pleading is served by mail. Motions not filed in a timely manner will not be considered. In this regard, if either party intends to file any dispositive Motion regarding liability, such as a Motion for Accelerated Decision or Motion to Dismiss under 40 C.F.R. § 22.20(a), it shall be filed within one month after the prehearing exchange has been completed.



---

Susan L. Biro  
Chief Administrative Law Judge

Dated: June 1, 1999  
Washington, D.C.

In the Matter of Sybil, Inc., Respondent  
Docket No. 5-RCRA-011-98

Certificate of Service


I certify that the foregoing **Prehearing Order**, dated June 1, 1999, was sent this day in the following manner to the addressees listed below.

Original by Regular Mail to: Sonja R. Brooks  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Copy by Regular Mail to:

Attorney for Complainant: Thomas Turner, Esquire  
Assistant Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590


Attorney for Respondent: Richard D. Connors, Esquire  
Plunkett & Cooney, P.C.  
505 N. Woodward Avenue  
Suite 3000  
Bloomfield Hills, MI 48304

  
\_\_\_\_\_  
Maria Whiting-Beale  
Legal Assistant

Dated: June 1, 1999

BEFORE THE ADMINISTRATOR

SECOND SUPPLEMENTAL PREHEARING ORDER

  
Susan E. Biro  
Chief Administrative Law Judge

Dated: 10/19/99  
Washington, D.C.

In the Matter of Sybil, Inc., Respondent  
Docket No. 5-RCRA-011-98

Certificate of Service


I certify that the foregoing **Second Supplemental Prehearing Order**, dated October 19, 1999, was sent this day in the following manner to the addressees listed below.

Original by Regular Mail to: Sonja R. Brooks  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Copy by Regular Mail to:

Attorney for Complainant: Thomas Turner, Esquire  
Assistant Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Attorney for Respondent: Richard D. Connors, Esquire  
Plunkett & Cooney, P.C.  
505 N. Woodward Avenue  
Suite 3000  
Bloomfield Hills, MI 48304

  
\_\_\_\_\_  
Maria Whiting-Beale  
Legal Assistant

Dated: October 19, 1999



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 15 1999

REPLY TO THE ATTENTION OF

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett and Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

C-14J

Re: U.S. EPA v. Sybill, Inc. #5-RCRA-011-98  
Status Report

Dear Mr. Connors:

I have enclosed a copy of the Status Report filed on October 15, 1999, with Chief Judge Susan L. Biro and the U.S. EPA Regional Hearing Clerk.

Please contact me at (312) 886-6613 if you have any comments or questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tom Turner", written over the typed name.

Thomas P. Turner  
Associate Regional Counsel

Enclosure

cc: Bryan Holtrop, U.S. EPA  
RCRA Enf. Br. (DE-9J)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

OCT 15 1999

HAND DELIVERED

Regional Hearing Clerk  
United States  
Environmental Protection Agency-Region 5  
77 West Jackson Blvd. - 19th Fl.  
Chicago, IL 60604-3590

C-14J

Re: U.S. EPA v. Sybill, Inc.  
Docket No. 5-RCRA-011-98 - Status Report

Dear Sir or Madam:

Enclosed please find an original and one copy of U.S. EPA's Status Report in the above-mentioned case. I have served copies of this Status Report with the Chief Administrative Law Judge (Chief ALJ) and a copy on Respondent by certified mail, return receipt requested.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Tom Turner", followed by a small circular mark.

Tom Turner  
Associate Regional Counsel

Enclosure

cc: Hon. Susan L. Biro, Chief ALJ (mail code: 1900)  
Bryan Holtrop, RCRA Enf. Br. Staff (DE-9J)  
Richard D. Connors, Esq.,  
Plunkett and Cooney, Counsel for Sybill, Inc.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 15 1999

REPLY TO THE ATTENTION OF

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Hon. Susan L. Biro  
Chief Administrative Law Judge  
Mail code: (1900)  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

C-14J

Re: U.S. EPA v. Sybill, Inc.  
Docket No. 5-RCRA-011-98 - Status Report

Dear Chief Judge Biro:

Pursuant to your September 20, 1999, Supplemental Prehearing Order in the above-mentioned case, enclosed please find a copy of a Status Report concerning the settlement of this case.

Please contact me with any questions or comments at  
(312) 886-6613.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tom Turner".

Tom Turner  
Associate Regional Counsel

Enclosure  
cc: U.S. EPA Regional Hearing Clerk  
Region 5

*cc: Byron Holroyd, RCRA enf. (DE-95)*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:

SYBILL, INC.,  
111 Military Avenue  
Detroit, Michigan 48209

DOCKET NO. 5-RCRA-011-98

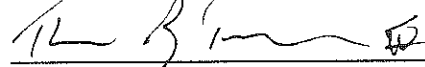
SETTLEMENT STATUS REPORT

Pursuant to this court's Supplemental Prehearing Order of September 20, 1999, U.S. EPA has reviewed the proposed Supplemental Environmental Project (SEP) offered by Respondent, and determined that it was not acceptable. Thereafter, on September 29 and 30, 1999, U.S. EPA offered Respondent an opportunity to submit an alternative SEP proposal. No such proposal was forthcoming. In light of the previous determination, and given Respondent's assertion to want to settle this case in its September 7, 1999, Response to this court's Order to Show Cause, U.S. EPA has prepared a final draft of the Consent Agreement and Final Order in this matter, and has sent it to Respondent for signature.

Complainant would therefore request an additional two (2) weeks, until November 1, 1999, in order to complete the necessary documents and achieve final settlement in this case.

Dated: October 15, 1999

Respectfully submitted,



Tom Turner  
Counsel for U.S. EPA

cc: U.S. EPA Regional Hearing Clerk

✓ Bryan Holtrop, U.S. EPA (DE-9J)  
RCRA Enf. Br.

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett and Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 14 1999

REPLY TO THE ATTENTION OF

BY FACSIMILE AND OVERNIGHT MAIL

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

C-14J

Re: U.S. EPA v. Sybill, #5-RCRA-011-98  
Settlement Document: Consent Agreement and Final Order  
(CAFO) - Final Draft

Dear Mr. Connors:

Pursuant to my September 30, 1999 letter, the U.S. EPA Consent Agreement and Final Order (CAFO) has reached a final draft. Enclosed please find two (2) copies of U.S. EPA's final draft CAFO, reflecting the matters discussed in our previous communications.

Please review the document and have your client sign off on both copies, then return the copies to me. Due to the request of the Chief Administrative Law Judge in this matter, I would like to be able to send her office a facsimile of the final draft CAFO with your completed signature page (by fax), or, at least, inform her before the end of the day on Friday, October 15, 1999, that U.S. EPA has sent you the document for final signature. Your cooperation in this matter would be truly appreciated.

After final signature and issuance by the Region, your client will receive a signed original by mail. If you have any questions or comments please feel free to contact me at 312/886-6613.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tom Turner", with a stylized flourish at the end.

Tom Turner  
Associate Regional Counsel

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 30 1999

By Facsimile and Regular Mail

REPLY TO THE ATTENTION OF

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

C-14J

Re: Sybill, Inc. Administrative Complaint and Compliance Order No. 5-RCRA-011-98  
Final Settlement Issues

Dear Mr. Connors:


This letter is to memorialize the telephone message that I left for you yesterday, Wednesday, September 29, 1999. As I informed you, the United States Environmental Protection Agency (EPA) has reviewed your client's proposed Supplemental Environmental Project (SEP), that was attached to your September 7, 1999 letter. EPA has determined that the Environmental Compliance promotional program and pamphlets proposed by Sybill, Inc. would not be of acceptable nexus or sufficiency to meet the requirements of the EPA SEP Policy in light of the nature and frequency of violations alleged in the September 24, 1998, EPA Administrative Complaint.

As I also noted in my telephone message, EPA is willing to consider another proposed SEP project, if your client wishes to do so in a timely manner. However, EPA is equally ready to issue a final draft Consent Agreement and Final Order (CAFO) for signature by your client. This CAFO would be drafted to require a payment of the full modified penalty amount of \$148,067 by Sybill, Inc., in two separate payments approximately 30 and then 180 days after the effective date of the CAFO, as well as full compliance as specified in the Complaint. EPA would note that, pursuant to the letter that you directed to the Chief U.S. Administrative Law Judge (ALJ) dated September 7, 1999, your client has agreed to settle for a final penalty amount that is based on the EPA's determination of the worth of the proposed SEP. (Therefore, EPA would be within its rights to seek the full modified penalty figure, assuming no value is ascribed to the SEP proposal).

If your client seeks to submit a new SEP proposal, please inform the client that the ALJ has set October 15, 1999, as the date that she expects a settlement document or a well-reasoned Status Report indicating current settlement conditions. EPA is prepared to go forward with completion of this settlement in a timely manner, and would hope that Sybill, Inc. is equally inclined.

IN THE MATTER OF: )  
 )  
SYBILL, INC., ) DOCKET No. 5-RCRA-011-98  
 )  
Respondent )

On August 30, 1999, Complainant submitted a Motion to Amend the Complaint. The basis for the Motion is that, after the Complaint was filed, the Complainant received certain additional information regarding the Respondent's financial standing and, in light of that information, Complainant seeks to reduce the proposed penalty. The Motion did not indicate whether the Respondent opposed it, but no opposition has been received to date.



Dated: 9/20/99  
Washington, D.C.

In the Matter of Sybil, Inc., Respondent  
Docket No. 5-RCRA-011-98

Certificate of Service

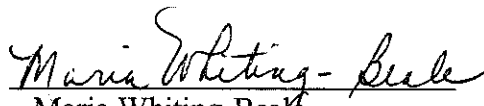
I certify that the foregoing **Order Granting Motion To Amend Complaint**, dated September 20, 1999, was sent this day in the following manner to the addressees listed below.

Original by Regular Mail to: Sonja R. Brooks  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Copy by Regular Mail to:

Attorney for Complainant: Thomas Turner, Esquire  
Assistant Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Attorney for Respondent: Richard D. Connors, Esquire  
Plunkett & Cooney, P.C.  
505 N. Woodward Avenue  
Suite 3000  
Bloomfield Hills, MI 48304

  
Maria Whiting-Beale  
Legal Assistant

Dated: September 20, 1999



In the Matter of Sybil, Inc., Respondent  
Docket No. 5-RCRA-011-98

Certificate of Service

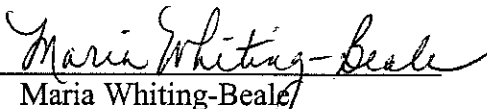
I certify that the foregoing **Supplemental Prehearing Order**, dated September 20, 1999, was sent this day in the following manner to the addressees listed below.

Original by Regular Mail to: Sonja R. Brooks  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Copy by Regular Mail to:

Attorney for Complainant: Thomas Turner, Esquire  
Assistant Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Attorney for Respondent: Richard D. Connors, Esquire  
Plunkett & Cooney, P.C.  
505 N. Woodward Avenue  
Suite 3000  
Bloomfield Hills, MI 48304

  
Maria Whiting-Beale  
Legal Assistant

Dated: September 20, 1999

September 7, 1999

**Via facsimile (202) 565-0044 and First-class Mail**

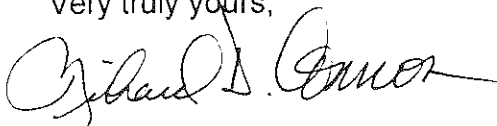
Chief Judge Susan L. Biro  
Office of Administrative Law Judges  
United States Environmental Protection Agency  
Mail Code 1900L  
401 M Street, S.W.  
Washington, D.C. 20460

Re: Sybill, Inc.  
Docket No. 5-RCRA-011-98  
Our File No. 05455.20623

Dear Judge Biro:

Enclosed please find one copy of Respondent's Response to the court's Order to Show Cause dated August 24, 1999. Respondent was ordered by the court to show good cause on or before September 7, 1999, why it failed to submit its prehearing exchange as required by the Prehearing Order and why a default should not be entered against it. Respondent has filed the original with the Regional Hearing Clerk, and sent a copy to counsel for the complainant, by certified mail, return receipt requested.

Very truly yours,



Richard D. Connors  
Direct Dial: (248) 901-4050

RDC/dlm

Enclosure

cc: Tom Turner, Esq. (w/enc)  
U.S. EPA, Region 5, Regional Hearing Clerk (w/enc)

05455.20623.221485

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:     )  
                                  )  
SYBILL, INC.,            )  
DETROIT, MICHIGAN,    )  
                                  )  
Respondent.             )

Docket No. 5-RCRA-011-98

Chief Administrative Law Judge  
Susan L. Biro, Presiding

---

**RESPONSE TO ORDER TO SHOW CAUSE**

Respondent, SYBILL, INC., by its attorneys, PLUNKETT & COONEY, P.C., pursuant to this Court's Order to Show Cause dated August 24, 1999, hereby states as follows:

1. On August 4, 1999, Tom Turner, Associate Regional Counsel, U.S. EPA, forwarded a Settlement Counter-Offer and draft Consent Agreement and Consent Order to Sybill, Inc., outlining the terms and conditions under which a settlement would be entered between Respondent and Complainant.

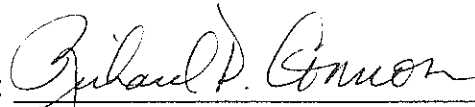
2. On September 7, 1999, Respondent accepted Complainant's Settlement Counter-Offer and notified the U.S. EPA, Tom Turner, Associate Regional Counsel, by letter, their intent to accept. A copy of that letter is attached.

WHEREFORE, Respondent respectfully requests that this Court accept Respondent's Response to show good cause why it failed to submit its prehearing

exchange as required by the Prehearing Order and take note that default should not be entered against it, because it has settled and resolved all claims filed by Complainant.

Respectfully submitted,

**PLUNKETT & COONEY, P.C.**

By: 

Richard D. Connors (P 40479)  
Attorney for Respondent  
505 North Woodward Avenue  
Suite 3000  
Bloomfield Hills, MI 48304  
(248) 901-4050  
Facsimile (248) 901-4040

Dated: September 7, 1999

05455.20623.221489



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

cc: B. HOLLEY, KERR  
Clerk  
Rm

REPLY TO THE ATTENTION OF:

**Aug 27 1999**

Chief Judge Susan L. Biro  
Office of Administrative Law Judges  
United States Environmental Protection  
Agency  
Mail Code: 1900L  
401 M Street, S.W.  
Washington, D.C. 20460

C-14J

Re: Sybill, Inc.  
Docket No. 5-RCRA-011-98

Dear Judge Biro:

Enclosed please find one copy of the Complainant's Motion to Amend Complaint, which would reduce the amount of penalty proposed in the above referenced case. Complainant has filed the original with the Regional Hearing Clerk, and sent a copy to counsel for the Respondent, by certified mail, return receipt requested.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Tom Turner", written over a horizontal line.

Tom Turner  
Associate Regional Counsel  
U.S. EPA - Region 5

cc: Richard D. Connors, Esq. (w/ enclosure)  
U.S. EPA, Region 5, Regional Hearing Clerk (w/enclosure)

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:	)	DOCKET No. 5-RCRA-011-98
	)	
SYBILL, INC.	)	Chief Administrative Law Judge
DETROIT, MICHIGAN,	)	Susan L. Biro, Presiding
	)	
Respondent	)	
_____	)	

MOTION TO AMEND THE COMPLAINT

Complainant, by its attorney, Tom Turner, Associate Regional Counsel, pursuant to 40 CFR 22.14© of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, published at 64 Fed. Reg. 40138 (July 23, 1999), seeks leave of the Presiding Officer to amend the Complaint in this matter, reducing the amount of civil penalty proposed. In support of this motion, the Complainant states as follows:

1. This matter was initiated when Complainant filed its Complaint on September 24, 1998. The Complaint was composed of three (3) separate counts, with the first count being composed of specifically alleged violations of the requirement that a used oil fuel marketer notify the United States Environmental Protection Agency (EPA) of its used oil activities and obtain an EPA identification number pursuant to 40 CFR §§ 266.43(b)(3) and 279.73(a) . (See, Complaint, at Paragraphs 26-29).
2. The regulatory violations that are cited in the second count of the Complaint involve the storage and treatment of hazardous waste without a proper permit pursuant to 40 CFR § 270.1(c). (See, Complaint, at Paragraphs 30-43).
3. The regulatory violations that are cited in the third count of the Complaint involve the

transportation of hazardous waste without an EPA identification number pursuant to 40 CFR § 263.11(a). (See, Complaint, at paragraphs 44-49).

4. The Complaint proposes that a penalty of \$864,773 be assessed for these alleged violations.

5. Respondent filed its Answer on November 23, 1998, in which it generally admitted to the allegations of Counts 1-3 of the Complaint, but raised a claim of its inability to pay the amount of penalty proposed in the Complaint.

6. Subsequent to the filing of the Answer, and consistent with the Administrator's final decision in In Re New Waterbury, TSCA Appeal No. 93-2 (October 20, 1994), Complainant requested that Respondent provide financial records relevant to its claimed inability to pay the civil penalty proposed. Based upon a consideration of the overall information provided by Respondent concerning its financial capabilities, and the analytical aid of Complainant's financial analysis staff, Complainant now proposes that the Administrator assess a civil penalty against Respondent of \$148,067 for the violations alleged in the Complaint.

7. The Environmental Appeals Board (EAB), issuing a final decision of the Administrator, has recognized the principle "that the purpose of pleading is to facilitate a proper decision on the merits." In Re Asbestos Specialists, Inc., TSCA Appeal No. 92-3 at 19 (October 6, 1993). To this end, the EAB instructed that, "[t]he objective of the Agency's rules should be to get to the merits of the controversy." Asbestos Specialists, TSCA Appeal No. 92-3 at 23 citing In Re Wego Chemical & Mineral Corp., TSCA Appeal No. 92-4 at 15 (February 24, 1993).

8. Accordingly, the EAB has directed that: "[a]dministrative pleadings are intended to be 'liberally construed' and 'easily amended.'" Asbestos Specialists, TSCA Appeal No. 92-3 at 20,

citing Yaffe Iron and Metal Company, Inc. v. U.S. Environmental Protection Agency, 774 F.2d 1008, 1012 (10th Cir. 1985), affirming In re Yaffe Iron and Metal Company, Inc., TSCA Appeal No. 81-2 (Aug. 9, 1982). In fact, in the Agency's decision in Yaffe, the EAB affirmed the Administrative Law Judge's ruling permitting a *post-hearing* amendment of the complaint.

WHEREFORE, Complainant respectfully requests that this Court grant Complainant's Motion to Amend the Complaint, and adopt the Amendment to the Complaint, attached, as a component of the effective pleadings in this case.

Respectfully Submitted,

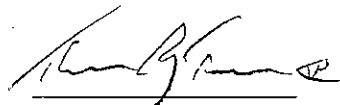
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Tom Turner  
Associate Regional Counsel  
U.S. EPA  
C-14J  
77 W. Jackson Blvd.  
Chicago, Il. 60604  
(312) 886-6613

Attachment

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Complainant's Motion to Amend the Complaint and Amendment Language to the Complaint was served on the Regional Hearing Clerk, U.S. EPA Region 5 and that true and correct copies were served on Chief Administrative Law Judge Susan L. Biro and Counsel for Respondent (service by certified mail, return receipt requested). Dated in Chicago this 30 day of August, 1999.



Thomas P. Turner  
Associate Regional Counsel  
U.S. EPA - Region 5

IN THE MATTER OF: ) DOCKET No. 5-RCRA-011-98  
)  
SYBILL, INC. ) Chief Administrative Law Judge  
DETROIT, MICHIGAN, ) Susan L. Biro, Presiding  
)  
Respondent )  
\_\_\_\_\_ )

AMENDMENT LANGUAGE TO THE COMPLAINT

1. Complainant adds the following language as amendment at Section III (Proposed Civil Penalty) (p. 20) of the Complaint:  
  
“...Complainant proposes that Respondent be assessed a civil penalty of ONE HUNDRED FORTY EIGHT THOUSAND SIXTY SEVEN DOLLARS (\$148,067)...”
2. Complainant also amends to substitute the attached Table 1 for the Table attached to the Complaint.

ATTACHMENT 1  
PENALTY SUMMARY SHEET  
SYBILL, INC.

NATURE OF VIOLATION DATE OF VIOLATION	CITATION OF REGULATION OR LAW	GRAVITY- BASED PENALTY	MULTI- DAY PENALTY AMOUNT*	ADJUST- MENTS (+/-)	ECONOMIC BENEFIT	TOTAL PENALTY
COUNT 1 - Failure to notify U.S. EPA of used oil marketing activities and obtain a U.S. EPA ID number.	40 CFR 266.43(b)(3) 40 CFR 279.73(a) MAC R 299.9806(2) ©	-0-	-0-	0%	\$0	\$49,355.66*
COUNT 2 - Failure to obtain a RCRA permit for handling listed hazardous waste.	MAC 299.9502(1) (40 CFR 270.1(c))	-0-	-0-	0%	\$115,698	\$49,355.67*
COUNT 3 - Failure to obtain a U.S. EPA identification number for transporting hazardous waste.	MAC R 299.9402 (40 CFR 263.11(a))	-0-	-0-	0%	\$0	\$49,355.67*
						Total: \$148,067*

\* Pursuant to the RCRA Civil Penalty Policy, dated October 26, 1990, EPA reviewed the financial data submitted by Respondent and determined that Respondent possesses the ability to pay a penalty of \$148,067.

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

SYBILL, INC.,

Respondent

)

)

)

)

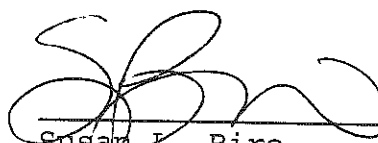
)

DOCKET No. 5-RCRA-011-98

ORDER TO SHOW CAUSE

By Order dated June 1, 1999, the Respondent was Ordered to file its prehearing exchange on or before August 16, 1999. However, to date, the Respondent has failed to file its prehearing exchange. Section 22.17 (a) of the Consolidated Rules of Practice Governing The Administrative Assessment of Penalties provides that a party may be found in default for failing to comply with a Prehearing Order.

Therefore, the Respondent is Ordered to show good cause on or before **September 7, 1999** why it failed to submit its prehearing exchange as required by the Prehearing Order and why a Default should not be entered against it.



Susan L. Biro

Chief Administrative Law Judge

Dated:

8/24/99  
Washington, D.C.

In the Matter of Sybil, Inc., Respondent  
Docket No. 5-RCRA-011-98

Certificate of Service

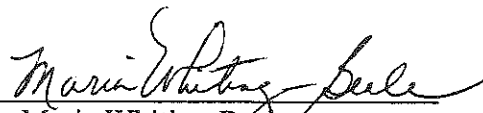
I certify that the foregoing **Order To Show Cause**, dated August 24, 1999, was sent this day in the following manner to the addressees listed below.

Original by Regular Mail to: Sonja R. Brooks  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Copy by Regular Mail to:

Attorney for Complainant: Thomas Turner, Esquire  
Assistant Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Attorney for Respondent: Richard D. Connors, Esquire  
Plunkett & Cooney, P.C.  
505 N. Woodward Avenue  
Suite 3000  
Bloomfield Hills, MI 48304

  
Maria Whiting-Beale  
Legal Assistant

Dated: August 24, 1999



3345 Greenfield Road, Melvindale, Michigan 48122  
Telephone: (313) 382-9701 Facsimile: (313) 382-9764

July 26, 1999

Mr. Tom Turner, Esq.  
Associate Regional Counsel  
United States Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Re: Sybill, Inc. Administrative Complaint and Compliance Order No S-RCRA-011-98  
Proposed Resolution

Dear Mr. Turner:

Sybill, Inc. must reluctantly agree to your proposed settlement of \$148,067.00 for the monetary penalty as you put forth in your letter dated 7/7/99. We wish to iterate that after all the effort on our part to prove our compliance as regards to the halogen levels in our outbound oil, this penalty is extremely stringent in our opinion. Simply put, we can not afford to continue to argue our case as legal costs have and would continue to increase substantially. Thus we iterate that we are reluctantly accepting the counter offer figure.

We must now bring to your attention that our financial health, as you reviewed in our submitted financial reports, is very weak. Our liabilities-to-earnings ratio is three to one (3:1). Our cash flow is very, very weak. Thus, we would propose to take advantage of any allowable SEP possibilities. Specifically, we would allow our QA/QC program to be made available to all companies involved with non-hazardous waste liquids and we would further propose to create and distribute a public awareness brochure as regards waste oil/recycled oil handling and disposal procedures. We believe that a value of \$25,000 can be justified as an SEP set-off to the monetary penalty. If the SEP is allowed then the monetary sum of \$123,067 would be due. Again due to our weak financial state, we must request a time based payment program for this amount (\$123,067). We would like to put forth the following payment options for your consideration:

Option A: Eighty-four (84) equal monthly payments of \$1465.08, payable on a quarterly basis as \$4395.25.

Option B: Sixty (60) monthly payments of \$1200.00 and a balloon payment of \$59,693.30

Thank you for your consideration of the above matter. If these options do not meet your acceptance, please contact us for a face to face meeting. We are trying to keep these penalty payments to around \$1500 per month as this really is the maximum that the company can afford.

Sincerely,

R. D. Cooney, Esq.  
CEO

cc: Richard D. Cooney, Esq.

P.O. Box 5006, Dearborn, Michigan 48128

cc: B. HOLTROP - 1/2 coordinated



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 26 1998

REPLY TO THE ATTENTION OF

Chief Judge Susan L. Biro  
Office of Administrative Law Judges  
United States Environmental Protection  
Agency  
Mail Code: 1900L  
401 M Street, S.W.  
Washington, D.C. 20460

C-14J

Re: Sybill, Inc. (Detroit, MI)  
Docket No. 5-RCRA-011-98

Dear Chief Judge Biro:

Enclosed please find one copy of the Complainant's Prehearing Exchange in the above referenced case. I have also filed the original with the Regional Hearing Clerk, and sent a copy to counsel for the Respondent, by certified mail, return receipt requested.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tom Turner".

Tom Turner  
Assistant Regional Counsel  
U.S. EPA - Region 5

cc: Richard Connors, Esq.  
U.S. EPA, Region 5, Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:            ) RCRA DOCKET No. 5-RCRA-011-98  
                                      )  
SYBILL, Inc.                    ) Chief Administrative Law Judge  
DETROIT, MICHIGAN,         ) Susan L. Biro, Presiding  
                                      )  
Respondent                     )  
\_\_\_\_\_ )

PREHEARING EXCHANGE

In accordance with the Presiding Officer's directive of June 1, 1999, the Complainant files the following prehearing exchange statements, pursuant to 40 C.F.R. §22.19(b):

- I. "the names of all expert and other witnesses it intends to call at the hearing, together with a brief narrative summary of each witnesses testimony. . . ."

I. Joseph M. Boyle  
EPA-Chief, Enforcement and Compliance Assistance Branch  
U.S. EPA - Region V  
Chicago, IL 60604

Mr. Boyle, if called, will testify concerning the application and use of U.S. EPA's 1990 RCRA Civil Penalty Policy when assessing the violations of RCRA pursuant to Section 3008, 42 U.S.C. Section 6928. Mr. Boyle will further testify that based on his considerable experience and knowledge as an enforcement and compliance branch chief in the Waste, Pesticide and Toxics Division, that in the present case the calculation of a penalty amount of \$864,773 was appropriately arrived at and should be considered applicable to the violations of record committed by Respondent, Sybill, Inc., in light of the standards set forth in the RCRA Penalty Policy. (Complainant's Exhibit or CE 29). Mr. Boyle will also testify as to the seriousness of the violations alleged in the Complaint to the RCRA regulatory program.

2. Bryan Holtrop  
Environmental Engineer  
Enforcement and Compliance Assistance Branch  
U.S. EPA - Region V  
Chicago, IL 60604

Mr. Holtrop, if called, will testify concerning his review of the U.S. EPA and State of Michigan documentation for the Sybill facility, as well as the information submitted by Sybill, and the establishment of the violations alleged in the complaint. Mr. Holtrop will specifically testify that based upon his review of the above mentioned evidentiary documentation, and consultation with a Region 5 expert on the regulation of used oil under the RCRA program (Ms. Sue Brauer), he ascertained that Sybill had failed to notify U.S. EPA of its used oil activities, and failed to obtain a U.S. EPA identification number (for the time period between September 1992 and approximately March 18, 1997); failed to obtain a RCRA permit for accepting and handling hazardous waste between April 12, 1993 and the issuance date of the complaint; and, failed to obtain a U.S. EPA identification number for transporting hazardous waste between March 1, 1995 and the issuance date of the complaint. Mr. Holtrop will further testify that he calculated and determined the Benefit of Economic Noncompliance (BEN) for Sybill (as a result of its actions), calculated and reviewed the penalty assessed in the complaint, and that the penalty assessed was assessed in compliance with the above referenced RCRA Penalty Policy and the relevant statute (Complainant's Exhibit 29).

3. Sue Brauer  
Used Oil Program Expert  
U.S. EPA - Region 5  
Chicago, IL 60604

Ms. Brauer, if called, will testify that she aided Mr. Holtrop in interpreting the RCRA used oil regulations and guidance that is applicable in this case, in coming to a determination concerning the violations to be alleged, and mitigation factors that may be considered by U.S. EPA. Ms. Brauer, if called, will also testify that her training and work experience in RCRA have helped her to advise RCRA enforcement staff on matters involving used oil regulations and policy.

4. Mark E. Conti  
Environmental Engineer  
US STEEL-KOBE  
Lorain, OH 71245

Mr. Conti, if called, will testify that he conducted the U.S. EPA RCRA used oil inspection at the Sybill, Inc. facility in March 1995, and that he wrote up the results of his inspection in the U.S. EPA, June 6, 1995, report. (Complainant's Exhibit 4).

- II. "[C]opies of all documents and exhibits which each party intends to introduce into evidence."

COMPLAINANT'S EXHIBIT 1

The March 27, 1997, notification of regulated waste activity by Michigan Department of Environmental Quality (MDEQ) to SRS Environmental/Sybill, Inc. (Sybill). This document will be offered in evidence to substantiate that Respondent had engaged in the practice of transporting and marketing used oil that failed to meet the applicable regulatory regulations of RCRA, 40 C.F.R. Sections 266 and 273.

COMPLAINANT'S EXHIBIT 2

The Sybill, Inc., March 18, 1997, first notification to MDEQ that it was engaged in marketing and transporting used oil. This document will be offered in evidence to substantiate that Respondent had engaged in the practice of transporting and marketing used oil that failed to meet the applicable regulatory regulations of RCRA, 40 C.F.R. Sections 266 and 273.

COMPLAINANT'S EXHIBIT 3

The January 23, 1997, letter of warning from MDEQ to Sybill, Inc., regarding violations of MDEQ and RCRA regulations involving the practice of transporting and marketing used oil that failed to meet the applicable regulatory regulations of RCRA, 40 C.F.R. Sections 266 and 273. This document will be offered in evidence to substantiate that Respondent had engaged in the practice of transporting and marketing used oil that failed to meet the applicable regulatory regulations of RCRA, 40 C.F.R. Sections 266 and 273.

COMPLAINANT'S EXHIBIT 4

The June 6, 1995, RCRA Used Oil Inspection report of the March 2, 1995, inspection performed at the Sybill, Inc. facility by U.S. EPA. This document will be offered in evidence to substantiate that Respondent took in used waste oil that exceeded regulatory maximum limits for hazardous constituents, and that it was actively engaged in the process of marketing processed used oil as of February 1995.

COMPLAINANT'S EXHIBIT 5

The September 18, 1995, U.S. EPA RCRA Section 3007 Information Request sent to Sybill, Inc. This document will be offered in evidence to substantiate the interest that U.S. EPA had in this matter, concerning the used oil treatment, storage and disposal activities of the Respondent.

#### COMPLAINANT'S EXHIBIT 6

The October 20, 1995, Response of Sybill, Inc. to the U.S. EPA September 18, 1995, Information Request (Complainant's Exhibit 5), with attachments. This document will be offered in evidence to substantiate the activities of Respondent, as alleged by U.S. EPA, that evidence noncompliance with RCRA regulatory requirements for the handling of used oil.

#### COMPLAINANT'S EXHIBIT 7

The 1992 to 1995 Manifests of Used Oil accepted by Sybill, Inc. These documents will be offered in evidence to substantiate the receipt of used oil by the Respondent, without following the required regulatory procedures under RCRA.

#### COMPLAINANT'S EXHIBIT 8

The January 18, 1995, Bill of Lading of Sybill, Inc. for used oil shipped from the Respondent's facility. This document will be offered in evidence to substantiate the marketing of used oil by Sybill, Inc without a U.S. EPA Identification Number as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 9

The February 14, 1995, Bill of Lading of Sybill, Inc. for used oil shipped from the Respondent's facility. This document will be offered in evidence to substantiate the marketing of used oil by Sybill, Inc without a U.S. EPA Identification Number as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 10

The April 27, 1993, Bill of Lading of Sybill, Inc. for used oil shipped from the Respondent's facility. This document will be offered in evidence to substantiate the marketing of used oil by Sybill, Inc without a U.S. EPA Identification Number as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 11

The April 12, 1993, analytical results relied upon by Sybill, Inc. as a representative analysis of the continual shipments of used oil accepted by the Respondent from the Rouge Steel Company. This document will be offered in evidence to substantiate the charge that Sybill, Inc. handled used oil mixed with hazardous waste (chlordane and heptachlor) without a permit as required under applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 12

The April 29, 1998, facsimile transmittal of analytical results of Sybill, Inc.'s Report documenting toxicity of used oil from Rouge Steel Company. This document will be offered in evidence to substantiate the charge that Sybill, Inc. submitted analytical results to U.S. EPA. documenting on more than one occasion, that used oil from Rouge Steel was unacceptable under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 13

The July 2, 1993, analytical results of Sybill, Inc.'s Report (Complainant's Exhibit 12) relied upon by Sybill as a representative analysis of continual used oil shipments to Sybill from Rouge Steel Company. This document will be offered in evidence to substantiate the charge that Sybill, Inc. handled used oil mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 14

The March 20, 1998, analytical results of Sybill, Inc.'s Report (Complainant's Exhibit 12) relied upon by Sybill as a representative analysis of continual used oil shipments to Sybill from Rouge Steel Company. This document will be offered in evidence to substantiate the charge that Sybill, Inc. continued to handle used oil mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 15

The May 19, 1998, facsimile transmittal of analytical results of Sybill, Inc.'s Report documenting the total halogen content of used oil treatment sludge derived from used oil accepted by Sybill. This document will be offered in evidence to substantiate the charge that Sybill, Inc. submitted analytical results to U.S. EPA documenting its continued handling of used oil that had been found on occasion to be mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 16

The October 25, 1995, analytical results of Sybill, Inc.'s Report (Complainant's Exhibit 15) documenting that the total halogen content of used oil treatment sludge that Sybill accepted from its customers was greater than 1000 parts per million halogen (ppm). This document will be offered in evidence to substantiate the charge that Sybill, Inc. handled used oil mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 17

The May 22, 1998, facsimile transmittal of analytical results of Sybill, Inc.'s Report

documenting the total halogen content of processed used oil derived from used oil shipments accepted by Sybill. This document will be offered in evidence to substantiate the charge that Sybill, Inc. submitted analytical results to U.S. EPA documenting its continued handling of used oil that had been found on occasion to be mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 18

The October 7, 1997, analytical results of Sybill, Inc.'s Report (Complainant's Exhibit 17) documenting that the total halogen content was greater than 1000 ppm for used oil processed from used oil shipments accepted by Sybill. This document will be offered in evidence to substantiate the charge that Sybill, Inc. continued to handle used oil mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 19

The July 24, 1997, analytical results of Sybill, Inc.'s Report (Complainant's Exhibit 17) documenting that the total halogen content was greater than 1000 ppm for used oil processed from used oil shipments accepted by Sybill. This document will be offered in evidence to substantiate the charge that Sybill, Inc. continued to handle used oil mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 20

The January 15, 1998, analytical results of Sybill, Inc.'s Report (Complainant's Exhibit 17) documenting that the total halogen content was greater than 1000 ppm for used oil processed from used oil shipments accepted by Sybill. This document will be offered in evidence to substantiate the charge that Sybill, Inc. continued to handle used oil mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 21

The June 8, 1998, facsimile transmittal of analytical results of Sybill, Inc.'s Report documenting the total halogen content of processed used oil derived from used oil shipments accepted by Sybill. This document will be offered in evidence to substantiate the charge that Sybill, Inc. submitted analytical results to U.S. EPA documenting its continued handling of used oil that had been found on occasion to be mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 22

The April 10, 1997, analytical results of Sybill, Inc.'s Report (Complainant's Exhibit 21) documenting that the total halogen content was greater than 1000 ppm for used oil processed from used oil shipments accepted by Sybill. This document will be offered in evidence to

substantiate the charge that Sybill, Inc. continued to handle used oil mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 23

The August 12, 1996, analytical results of Sybill, Inc.'s Report (Complainant's Exhibit 21) documenting that the total halogen content was greater than 1000 ppm for used oil processed from used oil shipments accepted by Sybill. This document will be offered in evidence to substantiate the charge that Sybill, Inc. continued to handle used oil mixed with hazardous waste without a permit as required under the applicable RCRA regulations.

#### COMPLAINANT'S EXHIBIT 24

The December 30, 1986, Office of Solid Waste and Emergency Response (OSWER) Final Waste Oil Interim Enforcement Guidance Document No. 9951.1., pp. 9, 50-51. This document will be offered in evidence to support the charge that Sybill, Inc. has failed to rebut the presumption that the processed used oil treatment sludge and processed used oil that it transported, accepted, stored and treated was a hazardous waste due to the presence of greater than 1,000 ppm halogens.

#### COMPLAINANT'S EXHIBIT 25

The November 29, 1985, Federal Register Vol. 50, No. 230 at 49164, containing the Final Rule on Hazardous Waste Management System; Burning of Waste Fuel and Used Oil in Boilers and Industrial Furnaces. This document will also be offered in evidence to support the charge that Sybill, Inc. has failed to rebut the presumption that the processed used oil treatment sludge and processed used oil that it transported, accepted, stored and treated was a hazardous waste due to the presence of more than 1,000 ppm halogens.

#### COMPLAINANT'S EXHIBIT 26

The March 1, 1995, Generator Waste Characterization Report of Sybill, Inc., documenting it as the transporter of used oil that it accepted from Rouge Steel Company. The previously referenced analytical results (Complainant's Exhibits 11 and 13), along with this document will be offered in evidence to substantiate the charge that Sybill, Inc. transported used oil mixed with hazardous waste from the Rouge Steel Company to Sybill without a U.S. EPA Identification Number.

#### COMPLAINANT'S EXHIBIT 27

The September 1998, U.S. EPA Penalty Computation Work Sheet for RCRA case number 5-RCRA-011-98, Sybill, Inc., with explanatory language based upon the RCRA Penalty Policy. This document will be offered in evidence to support the original RCRA penalty asserted against Sybill, Inc., and in response to the June 1, 1999, Prehearing Order of the Court.

#### COMPLAINANT'S EXHIBIT 28

The September 1998, U.S. EPA, Region 5, RCRA Enforcement and Compliance Assurance Branch calculation of Benefit of Economic Noncompliance (BEN) for this case. This document will be offered as evidence to support the original RCRA penalty asserted against Sybill, Inc., and in response to the June 1, 1999, Prehearing Order of the Court.

#### COMPLAINANT'S EXHIBIT 29

The October 26, 1990, U.S. EPA RCRA Civil Penalty Policy. This document will be offered in evidence to support the original RCRA penalty asserted against Sybill, Inc., and in response to the June 1, 1999, Prehearing Order of the Court.

#### COMPLAINANT'S EXHIBIT 30

The February 25, 1998, U.S. EPA memorandum concerning Lapse in Information Collection Request from October 1993 to the Present for Used Oil Requirements for Burners and Marketers. This document will be offered in evidence to support the original RCRA complaint asserted by U.S. EPA, and in response to the June 1, 1999, Prehearing Order of the Court.

#### COMPLAINANT'S EXHIBIT 31

The resume of Ms. Sue R. Brauer, U.S. EPA, Region 5 Used Oil Expert. This document will be offered in evidence to support the assertion of U.S. EPA that Ms. Brauer is qualified to testify concerning the central issue at hand as an expert witness.

#### COMPLAINANT'S EXHIBIT 32

The October 2, 1995, Letter of Sybill, Inc., requesting an extension of time to file answers to the U.S. EPA RCRA Section 3007 information request of September 1995 (Complainant's Exhibit 5), and independent assertion by Sybill, Inc. that it will only make a limited response to the U.S. EPA information request. This document will be offered in evidence to support the original RCRA complaint asserted by U.S. EPA, and in response to the June 1, 1999, Prehearing Order of the Court.

#### COMPLAINANT'S EXHIBIT 33

The June 17, 1997, U.S. EPA Transmittal of the Manual for estimating Costs for the Economic Benefits of RCRA Noncompliance guidance document. This document will be offered in evidence to support the original RCRA penalty asserted against Sybill, Inc., and in response to the June 1, 1999, Prehearing Order of the Court.

- III. "a statement as to its views as to the appropriate place of hearing and estimate of time needed to present its direct case."

Pursuant to 40 C.F.R. §22.19(d) and §22.21(d), Complainant respectfully requests that the hearing be held in Chicago, Illinois, which is the location of the relevant regional U.S. EPA office in this case. Complainant estimates that it would take approximately 2 days to present its case in chief.

- IV. "A detailed narrative statement and a copy of any documents in support, responding to Respondent's allegation in Paragraph 18 of its answer that there was a verbal agreement between the Respondent and the EPA which permitted Respondent to provide a limited sampling of manifests during the period from 1992 through 1995:..."

Complainant submits that this requirement of the Court is fulfilled, in part, by Complainant's Exhibits 5 and 6. U.S. EPA regional RCRA enforcement staff had communications with Respondent concerning the timing and nature of Respondent's reply to the U.S. EPA RCRA Section 3007 information request of September 18, 1995 (see Complainant's Exhibit 5). It was the understanding of U.S. EPA that Respondent would supply documentation and data relevant to the information request. U.S. EPA would note that even the limited sampling of responses that were received from Respondent showed that Respondent had failed to comply with the RCRA regulations concerning notification of U.S. EPA and the State of Michigan concerning its on-going used oil marketing activities between 1992 and 1997. (see Complainant's Exhibit 7). Finally, Respondent's October 2, 1995 response to the U.S. EPA September 1995 RCRA Section 3007 information request also indicates that Respondent had elected to supply limited manifest information and other data in compliance with the request. (See Complainant's Exhibit 32).

- V. "a detailed narrative explanation of the calculation of the proposed penalty, addressing each factor listed in the RCRA Civil Penalty Policy."

Complainant initially refers the Court to Complainant's Exhibit 27.

In determining the amount of any penalty assessed under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. 42 U.S.C. § 6928(a)(3). Any penalty assessed shall not exceed \$25,000 per day of noncompliance for each violation. *Id.* The Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, increases penalties occurring or continuing on or after January 31, 1997, by 10%, thereby authorizing U.S. EPA to seek a penalty of up to \$27,500 per day per violation.

Complainant has proposed a \$864,773 civil penalty against Sybill for violations of RCRA and regulations promulgated thereunder as alleged in the Complaint, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a)(3). To develop the proposed penalty, Complainant has taken into account the particular facts and circumstances of this case with specific reference to the 1990 RCRA Civil Penalty Policy (attached as Complainant's Exhibit 29), which provides a rational, consistent, and equitable calculation methodology for applying the statutory penalty factors enumerated above.

Under the 1990 RCRA Civil Penalty Policy, the total penalty amount is the sum of a gravity-based penalty amount, the amount of any multiday penalties, an amount for any economic benefit enjoyed by the respondent as a result of noncompliance, and any downward or upward adjustments.

The gravity component is a measure of the seriousness of the violation, and is determined by examining two factors: potential for harm and the extent of deviation from a statutory or regulatory requirement. The gravity amount is selected from an appropriate cell in a penalty matrix formed by these two factors. The multiday component reflects the duration of the violation at issue. Multiday penalties may be mandatory, presumptive, or discretionary under the 1990 RCRA Civil Penalty Policy. The specific per day penalty amount is selected from a multiday penalty matrix, which also is based upon the potential for harm and extent of deviation of the violation at issue. The economic benefit component is calculated through use of the BEN computer model. Factors considered by U.S. EPA in making upward or downward adjustments to the penalty amount include: any good faith efforts to comply or the lack of good faith; the degree of any willfulness or negligence; any history of noncompliance; and respondent's ability to pay a penalty.

A. Gravity (Seriousness of the Violation)

1. Potential for Harm

Under the 1990 RCRA Civil Penalty Policy, potential for harm may be categorized as "major", "moderate", or "minor". *Id.* at 15. Potential for harm is considered "moderate" where the violation at issue may pose a "significant" risk of exposure to humans or the environment, and/or may have a "significant" adverse effect on statutory or regulatory purposes, or on the RCRA program. (Complainant's Exhibit 29).

In evaluating the harm arising from Respondent's first violation, Complainant considered the potential harm to the environment and human health, and any harm to the RCRA regulatory program. Potential harm to the environment and human health as a result of Respondent's failure to obtain a U.S. EPA ID number was considered low. Complainant notes that Respondent had knowledge and maintained analytical records of the used oil accepted by its facility and, therefore, was aware of the contaminants contained in the used oil. Complainant therefore determined that the potential for harm to the RCRA regulatory program in this instance was moderate.

The potential harm to the RCRA program exists for the following reasons. The RCRA program provides for increased regulatory oversight of hazardous waste facilities in proportion to the scale, duration, and complexity of their hazardous waste management. The potential harm to the RCRA program exists because Respondent's facility operated in a manner that required a U.S. EPA ID number (along with a State of Michigan ID) between at least 1992 and 1997, yet Respondent failed to obtain one until so instructed in a January 1997 inspection. This activity can have a deleterious effect on the underlying program within the regulated community. The strength of the RCRA enforcement program is premised on the compliance of all facilities within

the regulated community and the equitable and even-handed application of RCRA, especially in instances where a party is not in compliance. Potential harm to the RCRA program exists due to the competitive advantage that a facility which avoids compliance may enjoy, and the difficulty that such a situation presents in requesting future compliance of all similarly situated RCRA facilities.

The potential for harm for Respondent's second violation (failure to obtain a RCRA permit for accepting and handling hazardous waste between April 1993 and the issuance of the complaint (September 1998)) was assessed as major under the application of the above mentioned criteria. The core of the RCRA program is the proper and safe acceptance and handling of hazardous waste, in compliance with all legal requirements for Treatment, Storage and Disposal (TSD) facility operators. Failure to comply with the legal provisions of TSD operations increases the risk of harm to human health or the environment. Respondent handled used fuel oil that met the criteria of hazardous waste, and did not seek to obtain a permit nor meet any of the financial assurance or written closure plan requirements of the regulatory program. Analytical testing results between 1993 and 1998 indicated that Respondent repeatedly accepted used oil that exceeded the toxicity requirements for chlordane, heptachlor and hexachlorobutadiene from Rouge Steel Company, as well as the 1,000 ppm total halogen limitation from various industrial facilities, including Rouge Steel. This behavior, in the absence of an approved RCRA TSD permit, was potentially harmful to human health and the environment and significantly harmful to the integrity of the RCRA program.

The third charge of failure to obtain a U.S. EPA ID for transporting hazardous waste between March 1, 1995 and the issuance of the complaint (September 1998) was assessed as major (in terms of harm to the environment and/or to the RCRA regulatory program) under the application of the above mentioned criteria. While there was limited potential for harm to the environment, the Respondent's transportation of used oil from Rouge Steel Company to the facility (based on a March 1, 1995 manifest - see, CE 7 and 26) represented another undercutting of the RCRA regulatory program.

## 2. Extent of Deviation

The extent of a respondent's deviation from RCRA and its regulatory requirements may be categorized as "major", "moderate", or "minor". CE 29, at 17. In the instance of the first charge of the complaint, the extent of Respondent's deviation from the requirement to obtain a U.S. EPA ID was considered moderate, due to the duration of the activity prior to compliance (1992 to 1997), and because the facility had obtained a State Identification number.

The extent of deviation for Respondent's second charge was considered major. The Respondent failed to obtain a required TSD permit and also to comply with the other necessary legal requirements for operating a TSD facility. This was a significant deviation from the acceptable behavior of obtaining a RCRA TSD permit if your facility engages in hazardous waste activities.

The extent of deviation for Respondent's failure to obtain a U.S. EPA ID number for purposes of transportation of hazardous waste was determined to be moderate, because the deviation from proper compliance activity occurred, but Respondent did maintain a State ID number to transport nonhazardous liquid waste.

### 3. Penalty Assessment Matrix

Once a violation's potential for harm and extent of deviation have each been categorized as "major", "moderate", or "minor", a penalty amount is selected from a penalty matrix found on page 19 of the 1990 RCRA Civil Penalty Policy. Under the matrix, in the instance of the first charge, where potential for harm is moderate and extent of deviation is moderate, U.S. EPA may assess a penalty for the violation at issue ranging from \$5,000 to \$7,999. Complainant considered the relevant factors such as: seriousness of the violation compared with others falling within the same matrix cell, cooperation, size and sophistication of the violator, and number of days of violation), and selected a gravity amount of \$6,500, the mid-point within the cell.

In the instance of the second charge, U.S. EPA determined that the potential for harm and the extent of deviation were both major. After an assessment of the above mentioned applicable relevant factors, U.S. EPA further determined that the midpoint of the available range of \$20,000 to \$25,000 was appropriate. U.S. EPA selected a gravity amount of \$22,500.

In the instance of the third charge, U.S. EPA determined that the potential for harm was major, and that the extent of deviation was moderate. After an assessment of the above mentioned factors, U.S. EPA further determined that the midpoint of the available range of \$15,000 to \$19,999 was appropriate in the instance of a one-time violation as indicated by available records. Thus, for the third charge U.S. EPA determined that a penalty of \$17,500 was sufficient.

### B. Multiday Component

Multiday penalties are categorized as "mandatory", "presumptive", or "discretionary" under the 1990 RCRA Civil Penalty Policy. CE 29, at 23. Multiday penalties are "presumptive" where the violation has received a "moderate-moderate" gravity-based designation. The gravity designation in this instance is moderate-moderate. Thus, the assessment of multiday penalties against Respondent is presumptive for days 2-180, where there are no case-specific facts overcoming the presumption. Multiday penalty days beyond 181 are discretionary.

Complainant considers Respondent's failure to comply with its obligation to obtain a U.S. EPA ID to be a continuing violation. This obligation was triggered on the first day that Respondent acted as a used oil marketer in 1992 through March 1997, when Respondent obtained a U.S. EPA ID. Thus, Respondent's violation presumptively warrants a multiday penalty assessment. The Respondent did maintain a State ID during this time period. Thus, U.S. EPA believes that the presumptive multiday penalty is sufficient to deter future noncompliance and therefore no discretionary multiday penalty component is appropriate.

Respondent failed to obtain a U.S. EPA ID. Day 1 of this violation is already accounted for by the gravity-based component of the penalty, i.e., \$6,500. CE 29, at 24. Subsequent daily penalties are calculated with reference to the Multi-Day Matrix on page 24 of the 1990 RCRA Civil Penalty Policy. Once again, in this instance, the gravity designation of moderate potential for harm and moderate extent of deviation was used to select the appropriate cell in the Multi-day Matrix. The daily penalty amount for this cell ranges from \$250 to \$1,600. Consistent with the selection of the gravity component, Complainant selected the mid-point in this cell, or \$925 per day, to account for Days 2 through 180 of Respondent's noncompliance with U.S. EPA ID requirements. No amount was assessed for any days beyond 180.

The multiday component for the first charge was therefore calculated as follows:

Day 1:	\$ 6,500
Days 2-180 (179 days at \$925/day):	\$165,575
Total Multiday Penalty (charge one):	\$172,075

For the second charge, after applying the above mentioned factors to a determination of major-major, U.S. EPA determined that charge involved a mandatory Multiday penalty. (CE 29, at 23-24). U.S. EPA further selected from the appropriate cell in the Multiday Matrix for daily penalty amounts (\$1,000 to \$5,000), at the mid-point of \$3,000 (consistent with the selection of the gravity component of the penalty).

U.S. EPA's second charge against Respondent (failure to obtain a RCRA TSD permit) is major-major, and requires mandatory Multiday penalties for days 2-180. U.S. EPA determined that penalties beyond the 180 day range were not warranted, since the RCRA Penalty Policy leaves these as discretionary. (CE 29, at 23).

The multiday component for the second charge was therefore calculated as follows:

Day 1:	\$ 22,500
Days 2-180 (179 days at \$3,000/day):	\$ 537,000
Total Multiday Penalty (charge two):	\$ 559,500.

No Multiday component was determined for the third charge. Although Respondent accepted used oil mixed with hazardous waste on a continual basis from Rouge Steel Company since September 1992, and may have acted as the transporter for more than one of these shipments, U.S. EPA can only document that Respondent acted as a transporter on one occasion.

### C. ECONOMIC BENEFIT

Using the factors considered in the BEN computer model (CE 28) and U.S. EPA guidance document entitled "Estimating Cost for the Economic Benefit of RCRA Noncompliance", dated March, 1997 (CE 33), Complainant calculated the economic benefit realized by Respondent for

the first charge to be less than \$2,500, and thus insignificant. Therefore, BEN was not included in the proposed penalty for charge one.

Using the above referenced computer model and guidance at charge two, Complainant calculated the economic benefit of Respondent's facility operating without a RCRA TSD permit, using the delayed costs of not having a permit, a RCRA closure plan, and not having financial assurance for closure and third party liability coverage. Therefore, Complainant calculated an economic benefit of \$115,698.

As with the first charge, in the instance of the third charge, Complainant determined that Respondent had negligible economic benefit (less than \$2,500) from the failure to obtain a U.S. EPA ID number for the one-time transportation (of record) of used oil.

#### D. ADJUSTMENT FACTORS

As noted earlier, factors considered by U.S. EPA in making upward or downward adjustments to the penalty amount include: any good faith efforts to comply or the lack of good faith; the degree of any willfulness or negligence; any history of noncompliance; and respondent's ability to pay a penalty. In the instance of all three charges in this case, no upward or downward adjustments were made based on these factors. With regard to good faith efforts to comply, while Respondent eventually obtained a U.S. EPA ID, Respondent operated in noncompliance for 4 ½ years prior to achieving compliance (or committing to achieving compliance under charge two). Charge three was a one-time occurrence of record. U.S. EPA believes that the obligation to obtain an appropriate ID, once triggered, continues until the ID is obtained or it is no longer necessary. With regard to the other factors, at the time that the Complaint was issued, U.S. EPA did not have a basis upon which to make any adjustments. Essentially, the same analysis is true in terms of Respondent's failure to obtain a RCRA TSD permit, and failure to obtain a U.S. EPA ID number for purposes of a one-time transportation of used oil. No adjustments were warranted for either of these other charges.

#### E. CIVIL MONETARY PENALTY INFLATION RULE

The Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, increases penalties occurring or continuing on or after January 30, 1997, by 10%, thereby authorizing U.S. EPA to seek a penalty of up to \$27,500 per day per violation. In this case, an increase of 10% was not sought by U.S. EPA, since Respondent's primary noncompliance activities occurred prior to January 30, 1997.

#### F. TOTAL PENALTY AMOUNT

The total proposed penalty for the first charge of \$172,075 was calculated as follows:

Gravity Component:	\$ 6,500
Multiday Component:	\$165,575

Base Penalty (Gravity + Multiday):	\$172,075
10% of Base Penalty:	\$ 0
Total Penalty (Base Penalty + 10%):	<u>\$172,075</u>

The total proposed penalty for the second charge of \$675,198 was calculated as follows:

Gravity Component:	\$ 22,500
Multiday Component:	\$537,000
Base Penalty (Gravity+Multiday):	\$559,500
10% of Base Penalty:	\$ 0
BEN:	\$115,698
Total Penalty (Gravity + Multiday):	<u>\$675,198</u>

The total proposed penalty for the third charge of \$17,500 was calculated as follows:

Gravity Component:	\$ 17,500
Multiday Component:	\$ 0
Base Penalty (Gravity + Multiday):	\$ 17,500
10% of Base Penalty:	\$ 0
Total Penalty (Base Penalty + 10%):	<u>\$ 17,500</u>

Total proposed Penalty:	<u>\$864,773<sup>1</sup></u>
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VI. “a statement regarding whether the Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. §3501 *et seq.*, applies to this proceeding, whether there is a current Office of Management and Budget control number involved herein and whether the provisions of Section 3512 of the PRA are applicable in this case.”

The PRA requires, with some exceptions, that identical information collection requests (“ICRs”) by federal agencies to ten or more persons must be approved by the Office of Management and Budget (“OMB”) and, upon approval, must display a current OMB control number.

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<sup>1</sup> U.S. EPA would note that during the creation of the Prehearing Exchange, the parties continued to negotiate for a settlement of this case, and have reached a probable settlement in principle. U.S. EPA hereby advises the Court that, based upon subsequent corporate financial information provided by Respondent (and deemed acceptable by U.S. EPA financial analysis staff), that Respondent has shown evidence of an inability to pay the current proposed penalty figure. U.S. EPA anticipates a settlement document to be forthcoming in this case. However, in the event that U.S. EPA must draft a rebuttal Prehearing Exchange, then it also would anticipate moving this Court to allow amendment of the Complaint in order to propose a penalty that meets the criteria of the “ability to pay” standards under the RCRA Civil Penalty Policy.

U.S. EPA's Complaint includes alleged violations of the following RCRA regulations: 40 C.F.R. §§ 266.43(b)(3), 263.11(a), 270.1(c), and 279.73(a).

The following currently valid Office of Management and Budget ("OMB") Control Numbers and U.S. EPA ICR Numbers have been assigned to the following aforementioned regulations:

<u>40 C.F.R. §</u>	<u>OMB Control No.</u>	<u>U.S. EPA ICR No.</u>
1. 263.11(a)	2050-0028	0261
2. 266.43(b)(3)	2050-0028	0261
3. 270.1(c)	2050-0028, 2050-0034, and 2050-0009	0261.12, 0262.08, and 1573.05
4. 279.73(a)	2050-0028	0261

These OMB Control Numbers are displayed in the Federal Register, in the Code of Federal Regulations at 40 C.F.R. Part 9, and are noted in the U.S. EPA internal file memorandum on Lapses on Information Collection Request regulations. (See CE 30, at 2).

Based upon our review of the case, it appears that matters pertaining to ICR do not affect the administrative hearing or settlement posture of this case. This case does not involve the enforcement of regulations requiring the collection of data. Rather, U.S. EPA is enforcing requirements under Sections 263, 266, 270 and 273 of RCRA that involve affirmative duties of the regulated parties, including Respondent, when they choose to work with, market or transport used oil and/or used oil materials that are determined to contain hazardous contaminants. The above mentioned regulations require Respondent to obtain a U.S. EPA ID number before marketing used oil; to obtain a RCRA TSD permit and take all related (required) precautions when handling used oil mixed with hazardous waste at or above legally established limits; and, to obtain a U.S. EPA ID number before transporting used oil containing hazardous waste. The Respondent was under an affirmative duty to act based upon its voluntary choice to market, store and transport used oil (and used oil that sometimes tested positive as hazardous waste). There really was and is no specific duty demanding the sole collection of data in this instance.

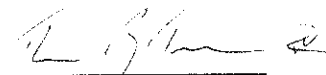
Finally, in the present case, U.S. EPA has determined that the only approximately relevant lapse time for the regulations in question was from February 1, 1992 through March 29, 1992. All other lapse time periods precede these dates. Since the September 1998 administrative complaint contemplates time periods out of compliance from September 1992 forward, and due to the extreme length of time that Respondent was alleged to be out of compliance, there would be full justification of the proposed penalty.

This Complainant's Prehearing Exchange for Sybill, Inc. is respectfully submitted.

Thomas P. Turner  
Associate Regional Counsel  
United States EPA - ORC Region 5  
77 W. Jackson Blvd., C-14J  
Chicago, IL 60604  
312/886-6613

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing was served on the Regional Hearing Clerk, U.S. EPA Region V and that true and correct copies were served on Chief Administrative Law Judge Susan L. Biro and Counsel for Respondent (service by certified mail, return receipt requested). Dated in Chicago this 26 day of July, 1999.



Thomas P. Turner  
Associate Regional Counsel  
U.S. EPA - Region V



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 07 1999

REPLY TO THE ATTENTION OF:

By Facsimile and Regular Mail

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

C-14J

Re: Sybill, Inc. Administrative Complaint and Compliance Order No. 5-RCRA-011-98  
Proposed Resolution of case - Acceptance of counter-offer figure

Dear Mr. Connors:

This letter is intended to memorialize the telephone conversation that we had this morning, Wednesday, July 7, 1999. In our call, I indicated that the United States Environmental Protection Agency (EPA) has analyzed the financial information provided by your client, and has determined that in resolution of the penalty portion of this case it will accept a payment of \$148,067, based on Sybill's assertion of limited ability to pay. EPA also requires Sybill, Inc. to come into full compliance with the requirements of the September 24, 1998 Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing. In terms of purely technical questions, regarding appropriate methods of operation to achieve, maintain and demonstrate compliance, your client should feel free to contact Mr. Bryan Holtrop of the EPA Resource Conservation and Recovery Act (RCRA) Enforcement Branch at 312/353-5103 or myself. Further, during our conversation you mentioned a possibility that your client might wish to propose a Supplemental Environmental Project (SEP) to reduce some of the penalty figure. As I indicated in my follow up telephone message, you should be aware that a SEP must be completely within the parameters of the 1998 EPA SEP guidance and policy, and that it cannot defray the Benefit of Economic Noncompliance (BEN) amount, nor the gravity percentage of the penalty amount. (See, SEP Policy at Section E, pp. 12-17).

Settlement would be achieved by a standard EPA Consent Agreement and Consent Order (CACO). Upon notification by Sybill that it agrees with the terms of settlement expressed in this letter, I will forward you a draft for review.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

"Enforcement Confidential"

DATE: 7-6-99 JUL 06 1999  
SUBJECT: June 23, 1999 Counter-offer By Sybill, Inc.  
FROM: John Luksis, Financial Analyst JL  
TO: Bryan Holtrop, WPTD  
Tom Turner, ORC  
THRU: Paul Little, Chief R  
MI/WI Enforcement Section

I evaluated the June 23, 1999 and June 30, 1999 documentation supporting the June 23, 1999 counter-offer by Sybill, Inc. My analysis of this documentation is summarized in the following paragraphs.

Joint Loan:

On February 17, 1998 Comerica Bank provided a \$600,000 loan jointly to Sybill, Inc. and Nave, Inc. (an affiliate with the same owner). The loan was paid to Sybill, Inc. and an intercompany loan was utilized to transfer \$214,159.82 of the proceeds to Nave, Inc. The analyst takes no exception with this explanation since original payment should have been directed to both corporations. The \$214,159.82 entry recorded on Sybill's books was not a valid loan to Nave, Inc., but only a book transfer.

Officer Compensation:

Mrs. Madias became an officer of Sybill, Inc. during 1998. Therefore, the officer compensation on the 1998 corporate income tax return includes both Mr. and Mrs. Madias. The analyst takes no exception with this explanation since the 1998 increase in officer compensation of \$55,197 from 1997 was primarily attributed to Mrs. Madias salary of \$48,892.

Conclusion/Recommendations:

Counter-offer:

Based on the results of my evaluation, the analyst advises that the counter-offer of \$148,067 be accepted. This amount represents the officer's repayment of a company loan.

The analyst advises one payment of \$148,067 during 1999. This cash is coming from the officer's personal bank account (officer to repay company loan) and there is no valid reason to delay payment over several years.

General Comments:

If you have any questions with regards to my findings and recommendations, please call me at 6-4077.



Professional Corporation  
Attorneys and Counsellors  
at Law

505 North Woodward  
Suite 3000  
Bloomfield Hills, Michigan 48304

(248) 901-4000  
Fax (248) 901-4040  
www.plunkettlaw.com

June 30, 1999

**Via Facsimile (312) 886-0747**

Thomas Turner, Esq.  
Office of Regional Counsel (C-14J)  
77 West Jackson Blvd.  
Chicago, Illinois 60604

Re: **US EPA v Sybill, Inc.**  
Our File No.: **05455.20623**

Dear Mr. Turner:

This letter is in response to U.S. EPA's letter of June 25, 1999, requesting additional documentation to clarify certain findings EPA made as part of its review of the financial information provided by Sybill.

Attached please find a number of documents as follows:

1. A two (2) page General Ledger in Detail for Nave, Inc. as of June 28, 1999. This documents the original \$214,159.82 transferred from Sybill to Nave, a check in the amount of \$158,720.84 to National Bank of Detroit, a check in the amount of \$16,895.52 to D&H Mack/Kenworth, and a wire transfer receipt in the amount of \$38,543.46 to Ford Motor Credit Co. The ledger also shows how the transfer between Sybill and Nave has been repayed through 12/31/98.
2. Sybill, Inc. General Ledger in Detail as of 6/28/99 showing Notes Payable - Comerica Bank/SBA. This represents all of the SBA funds disbursed on behalf of Sybill, Inc. and Nave, Inc. from Comerica Bank.

As Matt Livernois explains it to me, Comerica Bank is the lending institution with the SBA guarantying the loan. There is no check from the SBA to Sybill representing the \$600,000.00 as I previously represented to you. I mis-understood Mr. Livernois on this point. However, as you can see from the loan documents I previously provided to EPA, the loan from Comerica Bank, with a guaranty from the SBA, was made jointly to Sybill, Inc. and Nave, Inc.

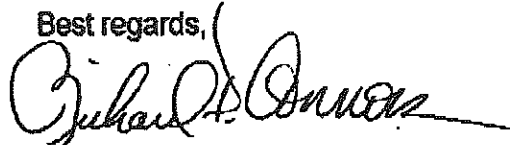
**Mr. Thomas Turner**

**Page 2**

**June 30, 1999**

If you have any questions, please feel free to call me at the number below.

Best regards,

A handwritten signature in black ink, appearing to read "Richard D. Connors", with a long horizontal flourish extending to the right.

Richard D. Connors

Direct Dial: (248) 901-4050

RDC/dlm

Enclosure

05455.20623.213341

As of  
06/28/99NAVE, INCORPORATED  
General Ledger in Detail  
Selected Accounts  
Periods 1 through 12 Fiscal Year 1998

Page 1

Account ID	Name	Folio	Balance Forward	Current Period Balance	General Ledger Comment
2675	NOTES PAYABLE-INTER COMPANY		0.00		
	As of Period 1	Fiscal Year 1998		0.00	
JE # 2435	GJ	02/24/98	17,520.00-		LOAN FROM SYBILL
	As of Period 2	Fiscal Year 1998		17,520.00-	
JE # 2439	GJ	03/01/98	158,720.84-		record payoff by comerica - ck.
JE # 2440	GJ	03/02/98	16,895.52-		record srs pymt new eng #679 - ck
JE # 2441	GJ	03/01/98	38,543.46-		record pymt by comerica/ford -
			-----		
			214,159.82-		
	As of Period 3	Fiscal Year 1998		231,679.82-	
JE # 2447	GJ	04/16/98	500.00		rec downpay somoma \$ into srs
JE # 2449	GJ	04/23/98	1,500.00		record sale of ranger p/u #637
JE # 2455	GJ	04/30/98	3,600.00		OFFSET INTERCOMPANY PAYABLE
C261	SYBILL, INC.				
	20153	IJ	04/30/98	3,600.00-	
C261	SYBILL, INC.				
	20153	IJ	04/30/98	3,600.00	
C261	SYBILL, INC.				
	20153A	IJ	04/30/98	3,600.00	
C261	SYBILL, INC.				
	20153A	IJ	04/30/98	3,600.00-	
			-----		
			5,400.00		
	As of Period 4	Fiscal Year 1998		226,279.82-	
JE # 2463	GJ	05/31/98	3,600.00		FLEET RENTAL 5/98
JE # 2465	GJ	05/31/98	100.00		5/98
V518	SYBILL, INC.				
	check 9867 (1)	CD	05/19/98	2,100.00	
			-----		
			5,800.00		
	As of Period 5	Fiscal Year 1998		220,479.82-	
JE # 2470	GJ	06/30/98	12,500.00		REC SALE OF TRUCK #8903
	As of Period 6	Fiscal Year 1998		207,979.82-	
JE # 2478	GJ	07/31/98	3,600.00		RECORD 7/98 FLEET LEASE TO SRS
	As of Period 7	Fiscal Year 1998		204,379.82-	
JE # 2484	GJ	08/31/98	3,600.00-		8/98 SRS FLEET RENTAL
JE # 2486	GJ	08/31/98	7,200.00		COR AC'DIST JE 2484
			-----		
			3,600.00		
	As of Period 8	Fiscal Year 1998		200,779.82-	
JE # 2489	GJ	09/30/98	3,800.00		9/98 SRS FLEET RENTAL
JE # 2490	GJ	09/30/98	2,000.00-		rec labor to install new motor
JE # 2490	GJ	09/30/98	3,724.26-		rec parts toinstall new motor
			-----		
			1,924.26-		

As of  
06/28/99NAVE, INCORPORATED  
General Ledger in Detail  
Selected Accounts  
Periods 1 through 12 Fiscal Year 1998

Page 2

Account ID	Name	Folio	Balance Forward	Current Period Balance	General Ledger Comment
	As of Period 9 Fiscal Year 1998			202,704.06-	
	As of Period 10 Fiscal Year 1998			202,704.06-	
JE # 2493	GJ 11/30/98		3,800.00		REC FLEET RENTAL W/SRS
	As of Period 11 Fiscal Year 1998			198,904.06-	
JE # 2504	GJ 12/31/98		13,116.77-		ACC INT ON INTER COMPANY NOTE
JE # 2513	GJ 12/31/98		40,000.00-		rec charge to srs
JE # 2514	GJ 12/31/98		80,000.00		nav ja 2513
			26,883.23		
	As of Period 12 Fiscal Year 1998			172,020.85-	
Total Balance Forward			0.00		
Total Activity				172,020.85-	
Total Balance				172,020.85-	

NAVE

JUN 30 1999 17:13 FR PLUNKETT & COONEY

06/28/99 02:03 PM 248 901 4040 TO 913128860747

P.05/12

04

**Comerica**  
Comerica Bank  
Detroit, Michigan 48226

**OFFICIAL CHECK**

694407878

Date: 6/16/98

PAY TO THE ORDER OF **\*\*NATIONAL BANK OF DETROIT\*\***

\$ \*\*\*\*\*158,720.84\*\*\*

\*\*\*\*\*158,720\*DOLLARS AND 84 CENTS\*\*\*

Dollars

Order: Comerica Bank

Authorized Signature: *Thomas R. Taylor*

REMITTER  
Issued By Integrated Payment Systems Inc., Englewood, Colorado  
By Checkmate (New York State), Buffalo, N.Y.

00180/ 14904

72009 16022000868168 231624 694407878

THE VARIABLE TONE BACKGROUND PAPER OF THIS DOCUMENT CHANGES COLOR FREQUENTLY AND SMOOTHLY FROM DARKER TONES AT THE TOP AND BOTTOM TO THE LIGHTEST TONE IN THE MIDDLE

JUN 28 1999 15:06

PAGE 04

SYBILL INCORPORATED

DATE 03/04/98

13

INVOICE NO.	Amount	Discount	Net Due
R022630	16,895.52	0.00	16,895.52
Total =	16,895.52	0.00	16,895.52

SYBILL, INCORPORATED  
P.O. BOX 5006  
DEARBORN, MI 48128

COMERICA BANK  
18225 ALLEN ROAD  
MELVINDALE, MI 48122

9-9/720

CHECK NO.

135

\*\*\*\*\* Sixteen Thousand

\*\*\*\*\* Eight Hundred Ninety Five Dollars and Fifty Two Cents

DATE

AMOUNT

03/04/98

\*\*\*\*\*16,895.52

PAY  
TO THE ORDER OF D & H MACK/KENWORTH  
3031 WYOMING  
DEARBORN, MI 48120

NON - NEGOTIABLE

AUTHORIZED SIGNATURE

⑈001355⑈ ⑈00100005⑈ 1850838242⑈



## Ford Motor Credit Company

BRANCH OFFICE ADDRESS

ATTN: Dept A  
P.O. Box 910  
Dearborn Heights, MI  
48127

ATTN: Matt

Acct# 313-382-9764

DATE	2/9/98
ACCOUNT NUMBER	IF T902 E826
CUSTOMER NAME	Nave INC
VEHICLE IDENTIFICATION NO.	- A01526

Dear Customer,

At your request, we are providing you with the amount required to pay your account in full, provided payment is made on or before the expiration date (Good Until Date) shown below. If payment is not made by the expiration date, please request a revised pay-off amount.

Amount to Pay in Full: \$ 38,543.46Expiration Date (Good Until Date): 2/26 19 98

We appreciate your business.

Very truly yours,

Kim M-17

Ford Motor Credit Company

PAGE 7128 JAN 88 Previous editions MAY be used.

\*\* TOTAL PAGE.001 \*\*

As of  
06/28/99

SYBILL, INC  
General Ledger in Detail  
Selected Accounts  
Periods 2 through 6 Fiscal Year 1998

Page 1

Account ID	Name	Folio	Balance Forward	Current Period	Balance	General Ledger Comment
2690	NOTES PAYABLE - COMERICA BANK/SBA			0.00		
	JE # 1660	GJ 02/17/98	204,672.03-			PAYOFF BRIDGE LOAN
	JE # 1661	GJ 02/17/98	36,076.98-			PAY OFF BULLDOG NOTE
	JE # 1662	GJ 02/17/98	99,284.13-			PAYOFF SHSE LOAN
	JE # 1663	GJ 02/17/98	14,500.00-			SBA GUARANTY FEE
	JE # 1663	GJ 02/17/98	3,952.00-			COMERICA BANK CLOSING COSTS
	JE # 1664	GJ 02/17/98	38,543.46-			COMERICA PAYOFF ON FMC NAVE TR
	JE # 1665	GJ 02/17/98	51,451.48-			RECORD PAYOFF TO NAVISTAR
	JE # 1666	GJ 02/17/98	26,519.92-			ADVANCE FROM COMERICA/SBA
	JE # 1681	GJ 02/27/98	25,000.00-			w/off hayse keeling note
			500,000.00-			
	As of Period 2 Fiscal Year 1998			500,000.00-		
	As of Period 3 Fiscal Year 1998			500,000.00-		
	JE # 1715	GJ 04/01/98	6,088.60			april 98 sba payment
	JE # 1752	GJ 04/30/98	16,895.52-			TRANS FROM SBA
			10,806.92-			
	As of Period 4 Fiscal Year 1998			510,806.92-		
	JE # 1758	GJ 05/01/98	6,088.60			sba payment 4/98
	JE # 1804	GJ 05/29/98	10,905.00-			ADV PURCHASE OF CHEMICAL TANKS
	JE # 1853	GJ 05/31/98	16,718.16-			chevy s-10 p/u #598
	JE # 1834	GJ 05/31/98	10,905.00-			rec purchase of 2 chem tanks
			32,439.56-			
	As of Period 5 Fiscal Year 1998			543,246.48-		
	JE # 1801	GJ 06/01/98	5,523.91			SBA PAYMENT
	JE # 1839	GJ 06/15/98	15,000.00-			6 tanks from sterling oil
	JE # 1840	GJ 06/15/98	8,797.96-			pipng for tanks
	JE # 1841	GJ 06/15/98	31,683.36-			rec 2 horiz storage tanks
	JE # 1877	GJ 06/30/98	12,500.00			REC PROCEEDS ON SALE OF #8903
	JE # 1878	GJ 06/30/98	10,905.00			A/C DIST ON CK# 2233 & JE 1834
	JE # 1879	GJ 06/30/98	244.84-			COR TO ACTUAL
			26,797.25-			
	As of Period 6 Fiscal Year 1998			570,043.73-		
	Total Balance Forward		0.00			
	Total Activity			570,043.73-		
	Total Balance			570,043.73-		

\$ 600,000  
SBA

600,000  
SBA

SYBILL, INC

**BORROWER'S AUTHORIZATION**

COOY

DATE: February 17, 1998

I (we) hereby authorize and direct Comerica Bank ("Bank") to pay

**SEE ATTACHED SCHEDULE "A"**

\$ _____	to _____
\$ _____	to _____
\$ _____	to _____
\$ _____	to _____
\$ _____	to _____
\$ _____	to _____

of the proceeds of my (our) loan from the Bank evidenced by a note in the original principal amount of \$600,000.00, dated February 17, 1998.

Borrower(s): Sybill, Inc., a Michigan Corporation, and Nave, Inc., a Michigan Corporation

Sybill, Inc.,  
a Michigan Corporation

By:   
Vasilios C. Madias

Its: President

Nave, Inc.,  
a Michigan Corporation

By:   
Vasilios C. Madias

Its: President

(MISCELL\SYB.BOR)

**SCHEDULE "A"**

**Attachment to Borrower's Authorization**

**SYBILL, INC. AND NAVE, INC.**

Subparagraph	Name of Payee	Date and Amount of Payment	Purpose
B.09	Sybill, Inc. and Nave, Inc.	2/17/98 \$26,519.92	Trade/Accounts Receivable
B.09	Comerica Bank	2/17/98 \$204,672.03	Pay off bridge loans
B.10	Navistar Financial Corp.	2/17/98 \$51,451.48	Pay off
B.10	Bulldog Boiler Rentals, Ltd.	2/17/98 \$36,076.98	Pay off
B.10	Ford Motor Credit Co.	2/17/98 \$38,543.46	Pay off
B.10	Southeast Michigan State Employees Credit Union	2/17/98 \$99,784.13	Pay off
B.12	U.S. Small Business Administration	2/17/98 \$14,500.00	Guaranty fee*
B.12	Comerica Bank	2/17/98 \$ 3,952.00	Closing costs*
	Balance Undisbursed	\$125,000.00	

\* See Loan Settlement Statement

**(MISCELL/SYB-SCH A)**

## LOAN SETTLEMENT STATEMENT

BORROWER: SYBILL, INC. AND NAVE, INC.	
UCC Search Fee	\$ 34.00
UCC-1 Filing Fee	\$ 55.00
Other Filing Fees - TR 11's (25)	\$ 275.00
Credit Report	
Accounts Receivable Audit Fee	
Appraisal Fee	
Equipment Appraisal Fee	
Mortgage Title Insurance Policy	
Survey	
Title Search (2)	\$ 156.00
Mortgage Recording Fee	
Legal Fee	
Packaging Fee	\$ 500.00
Loan Processing Fee	
Document Preparation Fee	\$ 750.00
Flood Hazard Analysis (2)	\$ 35.00
Tax Service Fee	
Articles of Organization	\$ 48.00
SBA Guaranty Fee	\$ 14,500.00
Other 12 days interest to 3/1/98 @ \$175/day	\$ 2,100.00
Other	

Payment Authorization:

By:

Vasilius C. Medias

Deduct From Loan Proceeds \$ 18,452.00

Its:

President

Charge to Account #

Payment by Check #

a:\master\slb\clking  
(MISCELLSYB.LOA)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUN 25 1999

BY FACSIMILE ONLY

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 N Woodward Avenue  
Suite 3000  
Bloomfield Hills, Michigan 48304

C-14J

Re: U.S. EPA v. Sybill, Inc, #5-RCRA-011-98  
Follow up to telephone request for additional financial  
documentation

Dear Mr. Connors:

This letter is to memorialize my telephone message of this morning, Friday, June 25, 1999. As I indicated in my message, the United States Environmental Protection Agency RCRA Financial Analyst in our case has indicated that it will aid his understanding of the counter-proposal and assertions that were raised by Sybill, Inc. on June 9, 1999, if he can review a copy of the United States Small Business Administration check for \$600,000 which was awarded to Sybill, Inc.

Therefore, it would be in your client's interest to send a copy of the check in question as soon as is possible.

If you have any questions or comments, please contact me at 312/886-6613.

Sincerely yours,

Tom Turner  
Staff Attorney  
U.S. EPA - Region 5

cc: Bryan Holtrop, RCRA Enf. (DRE-9J)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of

Sybil, Inc.,

Respondent

)  
)  
)  
)  
)  
)  
)

Docket No. 5-RCRA-011-98

Order Of Designation

Chief Administrative Law Judge Susan L. Biro, Environmental Protection Agency, Washington, D.C., is hereby designated as the Administrative Law Judge to preside in this proceeding under Sections 3008(a)(1) of the Resource Conservation and Recovery, as amended, 42 U.S.C. § 6928(a)(1) and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22..



---

Susan L. Biro  
Chief Administrative Law Judge

Dated: April 16, 1999  
Washington, D.C.

In the Matter of Sybil, Inc., Respondent  
Docket No. 5-RCRA-011-98

CERTIFICATE OF SERVICE

I certify that the foregoing **Order of Designation**, dated April 16, 1999 was sent this day in the following manner to the addressees listed below:

Original by Regular Mail to:

Sonja R. Brooks  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

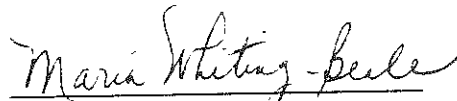
Copy by Regular Mail to:

Attorney for Complainant:

Thomas Turner, Esquire  
Assistant Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Attorney for Respondent:

Richard D. Connors, Esquire  
Plunkett & Cooney, P.C.  
505 N. Woodward Avenue, Suite 3000  
Bloomfield Hills, MI 48304

  
\_\_\_\_\_  
Maria Whiting-Beale  
Legal Staff Assistant

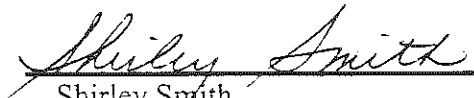
Dated: April 16, 1999  
Washington, DC



NAME OF RESPONDENT: Sybil, Inc.  
DOCKET NUMBER: 5-RCRA-011-98

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER RECOMMENDING TERMINATION OF ALTERNATIVE DISPUTE RESOLUTION PROCESS AND TRANSFERRING CASE TO LITIGATION DOCKET are sent to the counsel for the complainant and counsel for the respondent on APRIL 15, 1999.

  
Shirley Smith  
Legal Staff Assistant  
To Judge Stephen J. McGuire

Sonja Brooks  
Regional Hearing Clerk  
Region 5 - EPA  
77 West Jackson Blvd  
Chicago, IL 60604-3590

Thomas Turner, Esq.  
Assistant Regional Counsel  
Office of Regional Counsel  
Region 5 - EPA  
77 West Jackson Blvd  
Chicago, IL 60604-3590

Richard D. Connors (P40749)  
Plunkett & Conney, P.C.  
Attorneys for Respondent Sybil, Inc.  
505 N. Woodward Ave., Ste 3000  
Bloomfield Hills, MI 48304



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 13 1999

By Facsimile

REPLY TO THE ATTENTION OF:

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

C-14J

Re: Sybill, Inc. Administrative Complaint and Compliance Order No. 5-RCRA-011-98  
Follow up to Telephone Message of April 12, 1999 - Financial Information

Dear Mr. Connors:

This is a follow up and memorialization of my telephone message to you from Monday, April 12, 1999. In my telephone message, I indicated that the United States Environmental Protection Agency (EPA) had begun to review the contents of your mailing from last week (on behalf of Sybill, Inc.), that included financial information about Sybill that will supposedly support an assertion of a limited ability to pay the proposed administrative penalty in the above referenced case. However, as I further noted in my telephone message, the financial information supplied by Sybill is incomplete and does not meet the requirements that would allow EPA to perform a proper financial analysis, as noted in my previous letter on this matter dated February 17, 1999. (Copy enclosed). In order for EPA to make a full and proper assessment of the assertion of inability to pay raised by Sybill, EPA must still receive full copies of Sybill's federal tax returns from 1994 through 1998, as well as Sybill's 1998 audited financial statements. Obviously, the sooner Sybill can convey these documents to EPA, the sooner EPA will be able to perform a full financial evaluation of Sybill's assertion.

Please contact me with any comments or questions that you might have.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Tom Turner".

Tom Turner  
Assistant Regional Counsel

Enclosure

cc: ALJ Stephen McGuire  
Bryan Holtrop, U.S. EPA  
RCRA Enf. (DRE-9J)

File Copy



FEB 17 1998

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

17 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

By Facsimile and Regular Mail

REPLY TO THE ATTENTION OF:

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

C-14J

Re: Sybill, Inc. Administrative Complaint and Compliance Order No. 5-RCRA-011-98  
Issue of Ability-to-Pay

Dear Mr. Connors:

Bryan Holtrop of our United States Environmental Protection Agency (U.S. EPA) RCRA Enforcement team has contacted the RCRA financial analyst and asked him to provide a list of documentation that he would need from your client, in order to properly analyze an Ability-to-Pay claim.

The documents are as follows: 1) Federal Tax Returns for Sybill, Inc. for 1994 through and including 1998; 2) Audited Financial Statements for 1994 through and including 1998. (This would include the Income Statement, Balance Sheet, Statement of Cash Flows, CPA Audit Report, and CPA notes to the Financial Statements).

I hope that this makes your client's information gathering easier. Please contact me with any questions at 312/886-6613.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Tom Turner".

Tom Turner  
Assistant Regional Counsel

cc: Bryan Holtrop, U.S. EPA  
RCRA Enforcement (DRE-9J)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 8 8 1999

By Facsimile and Regular Mail

REPLY TO THE ATTENTION OF:

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

C-14J

Re: Sybill, Inc. Administrative Complaint and Compliance Order No. 5-RCRA-011-98  
Proposed Change of Date from April 12, 1999, ADR meeting date

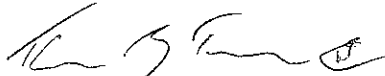
Dear Mr. Connors:

This letter is to memorialize the message that I left with your secretary ("Dawn") during the afternoon of Thursday, April 8, 1999. Because the United States Environmental Protection Agency (EPA) has not yet received the specified manifest and financial information that was agreed upon at our last Alternative Dispute Resolution (ADR) conference telephone call for the above-referenced case (of February 26, 1999), and because the next scheduled call was for Monday, April 12, 1999, this afternoon I contacted ALJ McGuire's secretary (Ms. Shirley Smith - 202/564-6262) and requested that our Monday April 12, 1999 conference call be postponed until Monday, April 26, 1999. This time frame should afford EPA enough time to accurately and properly consider any relevant information on waste material sent to Sybill (by manifest record) for the time in question, as well as hopefully allow EPA to make an analysis of the relevant Sybill financial records. If this arrangement and re-scheduled date is not suitable to you or your client, please contact me at once, so that we can arrange for a mutually convenient date with the ALJ's secretary.

EPA is also somewhat concerned about an appearance of some disinterest on the part of Sybill, in terms of producing the relevant information in support of the position asserted by Sybill, in a timely manner that allows EPA to give it due and proper consideration. EPA is committed to attempting successful resolution of our case through the ADR process. However, it is difficult to properly negotiate or reconsider positions originally asserted, when one does not receive promised information in a timely fashion. This may be something that we need to discuss. Please give some consideration to these matters.


Please contact me with any questions or comments at 312/886-6613.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tom Turner", with a stylized flourish at the end.

Tom Turner  
Assistant Regional Counsel

cc: ALJ Stephen McGuire

 Brian Holtrop, U.S. EPA  
RCRA Enforcement (DRE-9J)



MAR 07 1999

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

By Facsimile and Regular Mail

Sybill, Inc.  
c/o: Richard D. Connors  
Plunkett and Cooney  
505 N. Woodward, Suite 3000  
Bloomfield Hills, MI 48304

REPLY TO THE ATTENTION OF:

C-14J

Re: Sybill, Inc. Administrative Complaint under Resource Conservation and Recovery Act (RCRA), Docket Number 5-RCRA-011-98

Dear Mr. Connors:

As a follow up to our conference call of February 26, 1999, with your client (Sybill) and the United States Environmental Protection Agency (U.S. EPA) Administrative Law Judge (ALJ), U.S. EPA is providing the following comments to facilitate our request for additional information on the matter regarding Sybill (U.S. EPA Complaint, Docket Number 5-RCRA-011-98, dated September 24, 1999). This information should also facilitate any communications on the issue that the parties hold prior to the next scheduled call with the ALJ on March 18, 1999.

U. S. EPA has reviewed your letter dated February 25, 1999, responding to the 6 instances where Sybill accepted used oil containing greater than 1000 ppm total halogens. In conjunction with that letter, U.S. EPA has also reviewed the documents from Sybill, dated February 22, 1999, transmitted under your cover letter, dated February 24, 1999. After careful review of all these documents, U.S. EPA has identified a number of discrepancies in those documents that limit U.S. EPA's ability to determine whether the information that Sybill has presented rebuts the presumption that Sybill accepted and treated used oil mixed with hazardous waste as identified by the analyses conducted on the following six (6) dates: 10/25/95, 8/12/96, 4/10/97, 6/24/97, 10/7/97, and 1/15/98.

In order to further evaluate these documents, Sybill should provide documentation to address the following discrepancies.

GMC - Warren

Sybill provided sample analysis for used oil accepted from the generator GMC - Warren, dated 9/6/94, showing that the total halogen concentration was less than 1000 ppm, for the years 1995 and 1997. However in an earlier submittal to U.S. EPA on this matter, Sybill submitted documentation that showed that during November 1998 used oil accepted from GMC - Warren was analyzed and shown to exceed 1000 ppm total halogens on 22 different occasions. Sybill should provide further documentation as to why (and when) the total halogen concentration of used oil accepted from GMC - Warren changed.

Delphi - Livonia

This same type of discrepancy applies to Delphi - Livonia. Sybill provided sample analysis for used oil accepted from the generator Delphi - Livonia, dated 1/5/96, showing that the total halogen concentration was less than 1000 ppm for the years 1996, 1997 and 1998. However in an earlier submittal to U.S. EPA on this matter, Sybill submitted documentation that showed that during November 1998 used oil accepted from Delphi - Livonia was analyzed and shown to exceed 1000 ppm total halogens on 2 different occasions. Sybill should provide further documentation as to why (and when) the total halogen concentration of used oil accepted from Delphi - Livonia changed.

GMC - Flint

Sybill provided a letter certifying that used oil exceeding 1000 ppm total halogens accepted from GMC - Flint can be directly attributed to the chlorinated paraffins contained in the cutting oils. Sybill should provide MSDS sheets from GMC - Flint that show that the cutting oils are in fact the source of the chlorinated paraffins.

Processing Records

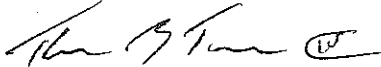
Sybill provided processing records to show that the used oil processed for the 6 dates in question can be attributed to only 5 generators. The processing records do not identify any of the specific generators attributed to being the generators at the time of the 6 instances. Sybill should provide their manifests of all waste shipments accepted by Sybill for the 10 days prior to each of the six instances. In addition, Sybill should provide documentation as to which tanks each shipment was processed through. Sybill should also provide documentation that shows from which tanks the sample analyses were taken for the 6 instances. Finally, Sybill should provide documentation as to the total halogen concentration for the generators shown to have contributed to the used oil in the tank(s) involved in the sampling of the 6 instances. For each generator shown to have contributed oil to those tanks, Sybill should provide sampling analyses of the generator's waste stream. In addition, where the generator's sampling analyses exceeds 1000 ppm total halogens, Sybill should provide either an F001 and F002 pollutant analysis or knowledge of the process waste stream from the generator (e.g., MSDS sheets) to rebut the presumption that the used oil was not mixed with hazardous waste.

Analytical Records for the 6 incidents


For the six incidents (10/25/95, 8/12/96, 4/10/97, 6/24/97, 10/7/97, and 1/15/98), Sybill should provide documentation to show from which tanks the sample analysis were taken and how they are correlated to the incoming used oil accepted by Sybill.

Please let me know if you have any questions about this request for further information or about this matter in general. I can be reached at (312) 886-6613 or, for technical matters you may contact Bryan Holtrop, RCRA Enforcement at (312) 353-5103.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Tom Turner", followed by a small circular mark.

Tom Turner  
Assistant Regional Counsel

cc:  Bryan Holtrop, RCRA Enf. (DRE-9J)  
ALJ Stephen J. McGuire



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 17 1999

By Facsimile and Regular Mail

Sybill, Inc.  
c/o: Richard D. Connors, Esq.  
Plunkett & Cooney  
505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

REPLY TO THE ATTENTION OF:

C-14J

Re: Sybill, Inc. Administrative Complaint and Compliance Order No. 5-RCRA-011-98  
Issue of Ability-to-Pay

Dear Mr. Connors:

Bryan Holtrop of our United States Environmental Protection Agency (U.S. EPA) RCRA Enforcement team has contacted the RCRA financial analyst and asked him to provide a list of documentation that he would need from your client, in order to properly analyze an Ability-to-Pay claim.

The documents are as follows: 1) Federal Tax Returns for Sybill, Inc., for 1994 through and including 1998; 2) Audited Financial Statements for 1994 through and including 1998. (This would include the Income Statement, Balance Sheet, Statement of Cash Flows, CPA Audit Report, and CPA notes to the Financial Statements).

I hope that this makes your client's information gathering easier. Please contact me with any questions at 312/886-6613.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Tom Turner", written over a horizontal line.

Tom Turner  
Assistant Regional Counsel

cc: ~~Bryan~~ Holtrop, U.S. EPA  
RCRA Enforcement (DRE-9J)



3345 Greenfield Road, Melvindale, Michigan 48122  
Telephone: (313) 382-9701 Facsimile: (313) 382-9764

October 23, 1998

Mr. Bryan Holtrop  
Enforcement & Compliance Assurance Branch (DRE-95)  
USEPA - Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

RE: WASTE MANAGEMENT PLAN - 90-DAY TEST *applies to all operations  
not limited to any time period*

Dear Mr. Holtrop:

As requested within your "Complaint and Compliance Order" dated September 24, 1998, SRS Environmental has enclosed a Waste Management Plan for your review. SRS understands that you will conduct a review of this document and request revisions, if necessary. Within thirty (30) days of your review, SRS will implement our management plan.

Also, requested in your order, SRS will provide 90 day analysis as described to your office within 120 days. SRS is making certification that its current notification of regulated waste activity (EDA Form 8700-12) is still true, accurate and complete.

A written closure plan for hazardous waste management units is not required by SRS based on our notification of regulated waste activity. Enclosed for your review, new analysis conducted by Rouge Steel shows HEXACHLOROBUTADIENE below regulatory limits.

If you should have any additional questions or concerns, please call me directly at 313-841-6445.

Sincerely,

Gary D. Berndt, CHMM  
Compliance Officer

pc: Richard Connors, Plunkett & Cooney  
Jim Helvey, Plant Manager, SRS Environmental  
V. C. Madias, President, SRS Environmental

# WASTE MANAGEMENT PLAN

DRAFT

A. USED OIL ACCEPTED

B. RECLAIMED/USED OIL SHIPMENTS

October 14, 1998

## A. USED OIL ACCEPTED

## A. USED OIL/WASTE ACCEPTED

In order to provide environmentally sound non-hazardous waste stream processing services and to meet governmental agencies requirements, **SRS Environmental** has established the following process plan for accepting **any** waste stream for treatment at our facility.

### Step 1: Actions of the Generator

Collect a physical sample of **each** waste type. Analyze the sample, complete and sign the "Generator Waste Characterization Report" for **each** waste type. See attached sample.

Submit the physical sample(s) and the corresponding report(s) to **SRS Environmental**. See attachment A. — *check to see if it matches methods provided in that letter*

### Step 2: Waste Stream Review and Approval

**SRS's** staff chemists will analyze **each** sample submitted and will compare the test results to the guidelines as shown in the attached "Waste Stream Specification Sheet". The Generator will be notified within two (2) working days of approval or rejection of the waste stream.

For all waste streams tested, reviewed and accepted, **SRS** retains the sample and report on file. It is strongly recommended that the Generator also retain a sample and report for their files.

### Step 3: Deliver Waste Stream for Treatment

**SRS** personnel will remove one (1) quart of the waste stream for "Fingerprint" testing. These test results (see attached "Fingerprint" form) will be compared to the specifications as provided in the "Generator Waste Characterization Report". The waste stream will be accepted for processing if the "Fingerprint" sample is a close match. If the sample is not a match, rejection of the waste stream is possible. Note: The "Fingerprint" sample will be analyzed for color, pH, flash point, odor, oil/water ratios and chlorine.

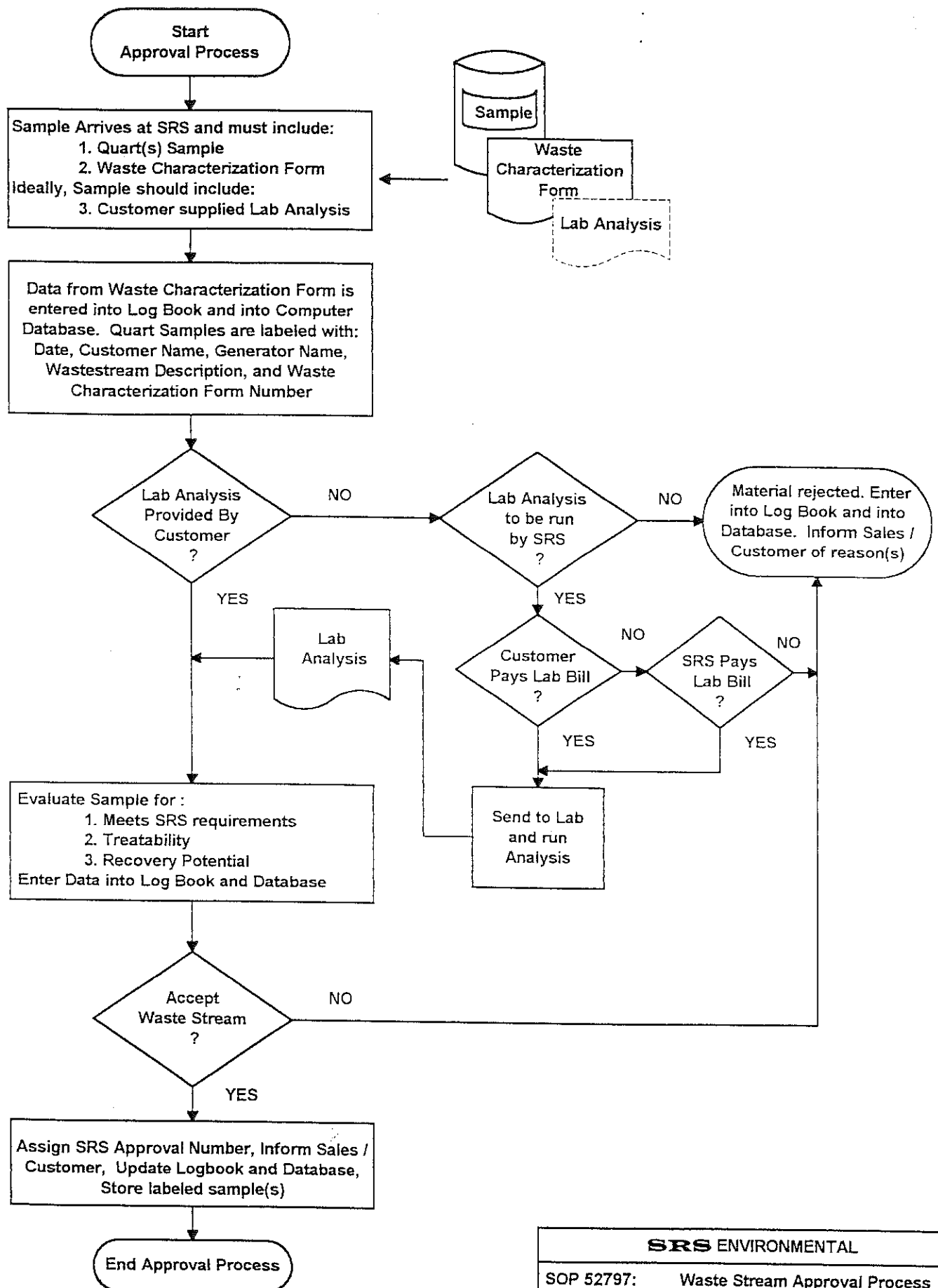
Per Act 451 in the State of Michigan, a completed Manifest or Bill of Lading is required with each load of waste stream delivered to the **SRS** facility. Prior to accepting the waste stream, **SRS** personnel must validate that these documents are complete and signed by the generator.

**SRS** personnel off-load the waste stream into our processing system and release the transporter. **SRS** maintains logbooks for all incoming waste streams. These logbooks include date, time-in, time-out, generator name, and volume of waste stream delivered. These logbooks are transcribed into our computer database for tracking and long term record keeping.

### Step 4: Process the Waste Stream

**SRS's** proprietary process utilizes heat and chemicals to treat the waste stream into water which can be safely discharged into the municipal system, oil which can be recycled and sludge products which can be safely disposed of into landfills. All aspects of the process are monitored and logged. Extensive chemical tests are run and compliance to regulations is assured.

**SRS Environmental** has developed this process plan and totally enforces its components. Our goal in stringently following this process plan is to safeguard the environment, our clients and ourselves. As a Generator, you can help in this goal by adhering to this process plan. **Thank You!**



**SRS ENVIRONMENTAL**

SOP 52797: Waste Stream Approval Process

Rev: 00001:

Issue Date: 1/1/97

*See U.S. EPA letter 12/4/97 consistent with those analytical methods*

**Attachment A: Waste Stream Specification Sheet**

All samples of waste submitted for treatment at the SRS Environmental facility, shall conform to the characteristics as outlined herein and shall be tested per the methods described so as to be classifiable as Non-Hazardous waste for treatment. These guidelines are in conformance to all federal, state, county, city and other applicable governing bodies or regulatory agencies. The guidelines are as follows:

1. pH levels shall be no lower than 2 and no greater than 12.5.
2. The flashpoint of the waste stream must be greater than 140 degrees F.
3. Sulfide & Cyanide "reactivity" shall be determined and shall not exceed EPA maximums (Cyanide max. = 250 PPM, Sulfide max. = 500 PPM).
4. PCB "Total" shall not exceed the EPA limit of 0.50 PPM.
5. TCLP "Metals" including zinc and nickel shall be determined per EPA 13111 extraction method and shall not exceed respective EPA maximum allowable concentration.
6. TCLP Volatile organics shall be determined using method 8010/8020 and shall not exceed respective EPA limits.
7. Semi-volatile organics shall be determined using method 8270 and shall not exceed respective EPA limits.
8. Pesticide and Herbicide TCLP Leachates shall be determined using method 8150 and all respective levels shall not exceed the EPA maximum levels.
9. Chlorinated TCLP Leachates will be determined using method 8080 and all levels shall not exceed EPA maximum levels.
10. Industrial waste streams will also require total halogenated levels with oil present.
11. Testing methods to include the following:
  - A. SW-846/MAC R 299.9805(2)[40 CFR 279.10 (b)(1)(iii)]
  - B. Client must provide a rebuttal presumption for used oil containing more than 1000 ppm total halogens. *or an analysis of fuel and for 2 pollutants*

**GENERATOR WASTE CHARACTERIZATION REPORT**

Annual Re-certification Form: Previous approval No. \_\_\_\_\_

Note: Separate report required for each waste stream.

Sample must be provided, tested and pre-approved

**1. GENERATOR INFORMATION**

USEPA ID # \_\_\_\_\_  
Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact \_\_\_\_\_  
Telephone ( ) - \_\_\_\_\_

**2. BILLING INFORMATION**

( If different than above)

Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact \_\_\_\_\_  
Telephone ( ) - \_\_\_\_\_

**3. TRANSPORTER INFORMATION**

USEPA ID # \_\_\_\_\_  
Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact \_\_\_\_\_  
Telephone ( ) - \_\_\_\_\_

**4. SHIPPING INFORMATION**

USEPA Hazardous \_\_\_\_\_ Yes \_\_\_\_\_ No  
USEPA Hazardous Waste Code \_\_\_\_\_  
DOT Shipping Name \_\_\_\_\_  
Hazardous Class \_\_\_\_\_ UN/NA # \_\_\_\_\_  
Shipment Method \_\_\_\_\_ Bulk \_\_\_\_\_ Drums  
\_\_\_\_\_ Other (describe) \_\_\_\_\_  
Shipping Frequency \_\_\_\_\_ per \_\_\_\_\_  
Qty Frequency

**5. SPECIAL HANDLING INFORMATION**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Accept \_\_\_\_\_ Reject  
Approval or Re-Certification No. \_\_\_\_\_

**6. WASTE CHARACTERIZATION**

Waste Common Name \_\_\_\_\_  
Description of Process Generating Waste: \_\_\_\_\_  
\_\_\_\_\_

Has Sample Been Collected & Submitted ?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

Constituent Composition Information  
\_\_\_\_\_ % \_\_\_\_\_ %  
\_\_\_\_\_ % \_\_\_\_\_ %  
\_\_\_\_\_ % \_\_\_\_\_ %  
\_\_\_\_\_ % \_\_\_\_\_ %

Physical Characteristics ( at 70 F)

Color \_\_\_\_\_  
\_\_\_\_\_ Solid \_\_\_\_\_ Liquid \_\_\_\_\_ Sludge  
Free Liquids \_\_\_\_\_ Yes \_\_\_\_\_ No  
If Liquid or Sludge- % of Solids \_\_\_\_\_  
Multi Layered \_\_\_\_\_ Yes \_\_\_\_\_ No  
Specific Gravity \_\_\_\_\_ Flashpoint\* \_\_\_\_\_  
Open Cup\* \_\_\_\_\_ Closed Cup pH \_\_\_\_\_  
Halogens: Less than 1000 ppm \_\_\_\_\_  
If greater than 1000 ppm, Generator must rebut the  
presumption that this waste stream is hazardous.  
Check Other Characteristics That Apply:  
\_\_\_\_\_ Reactive \_\_\_\_\_ Explosive \_\_\_\_\_ Shock  
Cyanide \_\_\_\_\_ PPM Sulfide \_\_\_\_\_ PPM  
EPToxic or TCLP \_\_\_\_\_ PCB's \_\_\_\_\_ PPM

\* Attach test results and all supporting analysis.

\_\_\_\_\_ This waste is non-hazardous under  
USEPA and State of Michigan regulations.

**7. AUTHORIZATION ( Signature Required )**

I certify that the information on this form is complete  
and factual to the best of my knowledge. I further  
certify that this waste stream HAS / HAS NOT  
changed either in process \_\_\_\_\_ and/or in chemical  
composition/content \_\_\_\_\_ per 40 CFR 265.13 (a)(3)(i)  
if this is a re-certification of a previously approved  
waste stream.

Signature \_\_\_\_\_  
Title \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_  
Signature \_\_\_\_\_

## Attachment B: Profile Up-date

Current Date

X  
X  
X

Dear Mr.:

Please complete enclosed **Generator Waste Characterization Annual Amendment Form(s)** for the following waste stream(s).

Current Approval Numbers

If you should have any questions or concerns during the completion of these/this form(s), please call me directly at 313-841-6445. Also, for your review I have enclosed a copy of your last characterization form.

Sincerely,

Gary D. Berndt, CHMM  
Compliance Officer  
SYBILL, INC. d/b/a SRS Environmental

pc: V. C. Madias, President, Sybill, Inc. d/b/a/ SRS Environmental  
James Helvey, Plant Manager, Sybill, Inc. d/b/a SRS Environmental

## Waste Stream Fingerprint Test

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Generator: \_\_\_\_\_

Transporter: \_\_\_\_\_

Sampled By: \_\_\_\_\_

Description of Waste Stream: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Chemical Analysis

Flashpoint \_\_\_\_\_ pH \_\_\_\_\_ Oil \_\_\_\_\_ Water \_\_\_\_\_

Reactivity \_\_\_\_\_ Solids \_\_\_\_\_ Rag \_\_\_\_\_

Chlorine \_\_\_\_\_

Other \_\_\_\_\_

\_\_\_\_\_

Tested By: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\*\*\*\*\*

### RESULTS

\_\_\_\_\_ Load Accepted - in spec \_\_\_\_\_

\_\_\_\_\_ Load Rejected - out of spec \_\_\_\_\_

## B. RECLAIMED/USED OIL SHIPMENTS

As a used oil/reclamation facility, SRS is required to insure that its outbound oil products meet certain standards as outlined within this management plan.

- A. SRS will continue to test its outbound oil held in bulk storage on a monthly basis. Refer to attachment #1.
- B. Monthly test shall also include "F-Scan" testing per EPA methods and procedures.
- C. SRS will continue to test each outbound load of oil for chlorine.
- D. If halogen testing results show that oils contain greater than 1,000 PPM total halogens, SRS must demonstrate that oils are non-hazardous. Refer to attachment #1.
- E. Prior to collecting composite samples for monthly analysis, tank 4 will be mixed overnight. SRS feels that collecting samples from tank 4 will be more representative of our outbound oil products.
- F. Documentation of test results shall be maintained along with transport records.

*Need facility  
diagram*

*Discuss the procedures for on-spec v. off-spec*

## SPECIFICATIONS FOR USED OIL RECLAIMED FOR ENERGY RECOVERY

<u>PARAMETERS</u>	<u>SPECIFICATION*</u>
Arsenic	<5 ppm
Beryllium	<5 ppm
Cadmium	<2 ppm
Chromium	<10 ppm
Lead	<50 ppm
Manganese	<10 ppm
Mercury	<0.2 ppm
Nickel	<5 ppm
Flash Point	>141 degrees F <i>100°F minimum for on-spec.</i>
Total Halogens	<4000 ppm **
PCB	<1 ppm
Sulfur (%)	<1% @ 18,000 BTU/LB
BS&W (%)	<2.5%
Ash (%)	<2%
BTU/GAL	>140,000

\* Unless otherwise noted, values are expressed as totals.

\*\* Pursuant to hazardous regulations (R299.9805(2)), if greater than 1,000 ppm, total halogens, the used oil is presumed to be hazardous. A person may rebut the presumption of the used oil fuel from being a hazardous waste through analysis which demonstrate that the used oil does not contain significant concentrations of halogenated hazardous constituents that are listed in 40 CFR Part 261, Appendix VIII.

Adequate documentation must be maintained to ensure these standards have been met and this documentation shall be maintained at both the reclamation facility and the burner.

The Michigan Department of Environmental Quality (MDEQ) will accept compliance with this guidance as compliance with Part 121 of the Natural Resources And Environmental Protection Act, 1994 PA 451, as amended (NREPA). However, there are other methods available for compliance with Part 121 of NREPA. The MDEQ is not advocating any particular method for achieving such compliance.

**GENERATOR WASTE CHARACTERIZATION REPORT**

Annual Re-certification Form: Previous approval No. \_\_\_\_\_

Note: Separate report required for each waste stream.

Sample must be provided, tested and pre-approved

**1. GENERATOR INFORMATION**

USEPA ID # 2010087738431  
Company Name ROUGE STEEL COMPANY  
Company Address 3001 Miller Road  
City, State, Zip Dearborn, MI  
Contact Charles B. Johnson  
Telephone (313) - 594-7375

**2. BILLING INFORMATION**  
(If different than above)

Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact \_\_\_\_\_  
Telephone ( ) - \_\_\_\_\_

**3. TRANSPORTER INFORMATION**

USEPA ID # MID 985567817  
Company Name SRS ENVIRONMENTAL  
Company Address 3345 GREENFIELD  
City, State, Zip MELVINDALE, MI 48122  
Contact GARY D. BELOTT  
Telephone (313) - 382-6445

**4. SHIPPING INFORMATION**

USEPA Hazardous ☒ Yes ☐ No  
USEPA Hazardous Waste Code NA  
DOT Shipping Name TANDEM MILL WASTE OIL  
Hazardous Class UN/NA #  
Shipment Method ☒ Bulk ☐ Drums  
Other (describe) \_\_\_\_\_  
Shipping Frequency 1300/gal per 3X/DAY  
Qty Frequency

**5. SPECIAL HANDLING INFORMATION**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ Accept ☐ Reject  
Approval or Re-Certification No. 981303

**6. WASTE CHARACTERIZATION**

Waste Common Name TANDEM MILL WASTE OIL  
Description of Process Generating Waste: STEEL COIL Manufacture

Has Sample Been Collected & Submitted? ☒ Yes ☐ No

Constituent Composition Information  
Refer To % \_\_\_\_\_ %  
Attached % \_\_\_\_\_ %  
Analysis % \_\_\_\_\_ %

Physical Characteristics (at 70 F)

Color Brown/Gray  
Solid ☒ Liquid ☐ Sludge ☐  
Free Liquids ☒ Yes ☐ No

If Liquid or Sludge - % of Solids \_\_\_\_\_  
Multi Layered ☐ Yes ☐ No

Specific Gravity 0.8 Flashpoint\* >140°FOpen Cup\* ☐ Closed Cup pH ~Halogens: Less than 1000 ppm ☒

If greater than 1000 ppm, Generator must rebut the presumption that this waste stream is hazardous.

Check Other Characteristics That Apply:

☐ Reactive ☐ Explosive ☐ ShockCyanide ☐ PPM Sulfide ☐ PPMEPToxic or TCLP ☐ PCB's ☐ PPM

\* Attach test results and all supporting analysis.

☒ This waste is non-hazardous under USEPA and State of Michigan regulations.

**7. AUTHORIZATION (Signature Required)**

I certify that the information on this form is complete and factual to the best of my knowledge. I further certify that this waste stream HAS / HAS NOT changed either in process \_\_\_\_\_ and/or in chemical composition/content \_\_\_\_\_ per 40 CFR 265.13 (a)(3)(i) if this is a re-certification of a previously approved waste stream.

Signature Charles B. Johnson  
Title Env. Eng Date 10/16/98

Comments: MATERIAL M225 SP22  
Signature Gary D. Belott



12610 Newburgh Road  
Livonia, Michigan 48150  
(313) 591-1855, Fax (313) 591-3331

CONFIDENTIAL

## ANALYTICAL REPORT

March 20, 1998

ECE  
200 River Front Drive  
Detroit, MI 48226

MEI Report Number: 4604  
MEI Sample Number: 013610

Project Name: Rouge Steel Co.  
Project Number: n/a

Date Submitted: 03/19/98  
Purchase Order: n/a

Sample Description: Waste Rolling Solution  
Collection Date: 03/19/98

Parameters	Results	Units	MDL	Method	Analysis Date	Analyst
<b>Organo-Chlorine Pesticides/PCBs</b>						
Aldrin	ND	ppm	0.0025	8080	03/20/98	JDM
alpha-BHC	ND	ppm	0.0025	8080	03/20/98	JDM
beta-BHC	ND	ppm	0.0025	8080	03/20/98	JDM
gamma-BHC (Lindane)	ND	ppm	0.0025	8080	03/20/98	JDM
delta-BHC	ND	ppm	0.0025	8080	03/20/98	JDM
Chlordane	ND	ppm	0.02	8080	03/20/98	JDM
4,4'-DDD	ND	ppm	0.0025	8080	03/20/98	JDM
4,4'-DDE	ND	ppm	0.0025	8080	03/20/98	JDM
4,4'-DDT	ND	ppm	0.0025	8080	03/20/98	JDM
Dieldrin	ND	ppm	0.0025	8080	03/20/98	JDM
Endosulfan I	ND	ppm	0.0025	8080	03/20/98	JDM
Endosulfan II	ND	ppm	0.0025	8080	03/20/98	JDM
Endosulfan sulfate	ND	ppm	0.0025	8080	03/20/98	JDM
Endrin	ND	ppm	0.0025	8080	03/20/98	JDM
Endrin aldehyde	ND	ppm	0.0025	8080	03/20/98	JDM
Endrin ketone	ND	ppm	0.0025	8080	03/20/98	JDM
Heptachlor	ND	ppm	0.0025	8080	03/20/98	JDM
Heptachlor epoxide	ND	ppm	0.0025	8080	03/20/98	JDM
Methoxychlor	ND	ppm	0.05	8080	03/20/98	JDM
Toxaphene	ND	ppm	1.50	8080	03/20/98	JDM
PCB -Arochlor 1016	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1221	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1232	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1242	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1248	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1254	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1260	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1262	ND	ppm	0.50	8080	03/20/98	JDM

Date Extracted: 03/20/98

Surrogate Recovery: Tetrachloro-m-ylene 77%

*dm*



12610 Newburgh Road  
Livonia, Michigan 48150  
(313) 591-1855, Fax (313) 591-3331

CONFIDENTIAL

## ANALYTICAL REPORT

March 20, 1998

ECE  
200 River Front Drive  
Detroit, MI 48226

MEI Report Number: 4604  
MEI Sample Number: 013608

Project Name: Rouge Steel Co.  
Project Number: n/a

Date Submitted: 03/19/98  
Purchase Order: n/a

Sample Description: RO 60  
Collection Date: 03/19/98

Parameters	Results	Units	MDL	Method	Analysis Date	Analyst
Organo-Chlorine Pesticides/PCBs in Water						
Aldrin	ND	ppm	0.0025	8080	03/20/98	JDM
alpha-BHC	ND	ppm	0.0025	8080	03/20/98	JDM
beta-BHC	ND	ppm	0.0025	8080	03/20/98	JDM
gamma-BHC (Lindane)	ND	ppm	0.0025	8080	03/20/98	JDM
delta-BHC	ND	ppm	0.0025	8080	03/20/98	JDM
Chlordane	ND	ppm	0.020	8080	03/20/98	JDM
4,4'-DDD	ND	ppm	0.0025	8080	03/20/98	JDM
4,4'-DDE	ND	ppm	0.0025	8080	03/20/98	JDM
4,4'-DDT	ND	ppm	0.0025	8080	03/20/98	JDM
Dieldrin	ND	ppm	0.0025	8080	03/20/98	JDM
Endosulfan I	ND	ppm	0.0025	8080	03/20/98	JDM
Endosulfan II	ND	ppm	0.0025	8080	03/20/98	JDM
Endosulfan sulfate	ND	ppm	0.0025	8080	03/20/98	JDM
Endrin	ND	ppm	0.0025	8080	03/20/98	JDM
Endrin aldehyde	ND	ppm	0.0025	8080	03/20/98	JDM
Endrin ketone	ND	ppm	0.0025	8080	03/20/98	JDM
Heptachlor	ND	ppm	0.0025	8080	03/20/98	JDM
Heptachlor epoxide	ND	ppm	0.0025	8080	03/20/98	JDM
Methoxychlor	ND	ppm	0.0025	8080	03/20/98	JDM
Toxaphene	ND	ppm	1.50	8080	03/20/98	JDM
PCB -Arochlor 1016	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1221	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1232	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1242	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1248	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1254	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1260	ND	ppm	0.50	8080	03/20/98	JDM
PCB -Arochlor 1262	ND	ppm	0.50	8080	03/20/98	JDM



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Livonia, Michigan 48150  
(313) 591-1855, Fax (313) 591-3331

CONFIDENTIAL

## ANALYTICAL REPORT

March 20, 1998

ECE  
200 River Front Drive  
Detroit, MI 48226

Project Name: Rouge Steel Co.  
Project Number: n/a

MEI Report Number: 4604  
MEI Sample Number: 013608

Date Submitted: 03/19/98  
Purchase Order: n/a

Sample Description: RO 60  
Collection Date: 03/19/98

Parameters	Results	Units	MDL	Method	Analysis Date	Analyst
PCB -Arochlor 1268	ND	ppm	0.05	8080	03/20/98	JDM

Reviewed By: ja



12610 Newburgh Road  
Livonia, Michigan 48150  
(313) 591-1855, Fax (313) 591-3331

## ANALYTICAL REPORT

October 14, 1998

Environmental Chemical Enterprises  
200 Riverfront Drive, Suite 2404  
Detroit, MI 48226

MEI Report Number: 8111  
MEI Sample Number: 015703

Project Name: Rouge Steel  
Project Number: n/a

Date Submitted: 10/07/98  
Purchase Order: n/a

Sample Description: Tandem Mill Waste Oil Pit  
Collection Date: 10/07/98

Parameters	Results	Units	MDL	Method	Analysis Date	Analyst
<b>10 MONR METALS by TCLP</b>						
Arsenic	ND	mg/L	0.100	7060	10/13/98	MLC
Barium	ND	mg/L	20.00	7080	10/13/98	MLC
Cadmium	ND	mg/L	0.020	7130	10/13/98	MLC
Chromium	ND	mg/L	5.00	7190	10/13/98	MLC
Copper	ND	mg/L	2.50	7210	10/13/98	MLC
Lead	ND	mg/L	0.30	7420	10/13/98	MLC
Mercury	ND	mg/L	0.200	7470	10/13/98	MLC
Selenium	ND	mg/L	0.500	7740	10/13/98	MLC
Silver	ND	mg/L	0.500	7760	10/13/98	MLC
Zinc	ND	mg/L	2.00	7950	10/13/98	MLC
<b>RCRA CHARACTERISTICS ANALYSIS</b>						
Ignitability	>140	Deg. F	n/a	1010	10/14/98	JMS
Corrosivity pH Units	7.0	S. U.	n/a	9045	10/14/98	JMS
As Cyanide	<0.01	mg/L	0.01	9010	10/14/98	JMS
As Sulfide	19.1	mg/L	0.01	9030	10/14/98	JMS
<b>TCLP SEMI - VOLATILES FRACTION</b>						
Hexachlorobenzene	ND	mg/L	0.10	8270	10/13/98	JDM
2,4-Dinitrotoluene	ND	mg/L	0.10	8270	10/13/98	JDM
Hexachlorobutadiene	ND	mg/L	0.10	8270	10/13/98	JDM
Nitrobenzene	ND	mg/L	0.10	8270	10/13/98	JDM
2,4,6-Trichlorophenol	ND	mg/L	0.10	8270	10/13/98	JDM
Hexachloroethane	ND	mg/L	0.10	8270	10/13/98	JDM
Pyridine	ND	mg/L	0.10	8270	10/13/98	JDM
Pentachlorophenol	ND	mg/L	0.10	8270	10/13/98	JDM
p-Cresol	ND	mg/L	0.10	8270	10/13/98	JDM
m-Cresol	ND	mg/L	0.10	8270	10/13/98	JDM
o-Cresol	ND	mg/L	0.10	8270	10/13/98	JDM
2,4,5-Trichlorophenol	ND	mg/L	0.10	8270	10/13/98	JDM
<b>TCLP VOLATILE FRACTION</b>						
Vinyl chloride	ND	mg/L	0.025	8240	10/12/98	JDM
Benzene	ND	mg/L	0.025	8240	10/12/98	JDM
Carbon tetrachloride	ND	mg/L	0.025	8240	10/12/98	JDM



12610 Newburgh Road  
Livonia, Michigan 48150  
(313) 591-1855, Fax (313) 591-3331

## ANALYTICAL REPORT

October 14, 1998

Environmental Chemical Enterprises  
200 Riverfront Drive, Suite 2404  
Detroit, MI 48226

MEI Report Number: S111  
MEI Sample Number: 015703

Project Name: Rouge Steel  
Project Number: n/a

Date Submitted: 10/07/98  
Purchase Order: n/a

Sample Description: Tandem Mill Waste Oil Pit  
Collection Date: 10/07/98

Parameters	Results	Units	MDL	Method	Analysis Date	Analyst
1,2-Dichloroethane	ND	mg/L	0.025	8240	10/12/98	JDM
Trichloroethylene	ND	mg/L	0.025	8240	10/12/98	JDM
1,1-Dichloroethylene	ND	mg/L	0.025	8240	10/12/98	JDM
Tetrachloroethylene	ND	mg/L	0.025	8240	10/12/98	JDM
Chloroform	ND	mg/L	0.025	8240	10/12/98	JDM
1,4-Dichlorobenzene	ND	mg/L	0.025	8240	10/12/98	JDM
Chlorobenzene	ND	mg/L	0.025	8240	10/12/98	JDM
Methyl ethyl ketone	ND	mg/L	0.025	8240	10/12/98	JDM
TCLP Pesticides						
Chlordane	ND	mg/L	0.040	8080	10/13/98	MH
Endrin	ND	mg/L	0.004	8080	10/13/98	MH
Heptachlor	ND	mg/L	0.004	8080	10/13/98	MH
Heptachlor epoxide	ND	mg/L	0.004	8080	10/13/98	MH
Lindane	ND	mg/L	0.004	8080	10/13/98	MH
Methoxychlor	ND	mg/L	0.004	8080	10/13/98	MH
Toxaphene	ND	mg/L	0.040	8080	10/13/98	MH

Reviewed By: 



3345 Greenfield Road, Melvindale, Michigan 48122  
Telephone: (313) 382-9701 Facsimile: (313) 382-9764

July 9, 1998

Ms Jeannette M Noeschel  
Environmental Quality Analyst  
Waste Management Division  
Department of Environmental Quality  
300 River Place  
Suite 3600  
Detroit, MI 48207

RE: **MIR 000 022 400**

Dear Ms Noeschel:

In response to your letter dated June 23, 1998, SRS has made changes in its oil testing (outbound) as outlined below:

**PAST PROCEDURES**

- A. SRS will continue to test its outbound on-spec oil on a monthly basis
- B. Monthly testing will include "F-Scan" analysis and specifications (EPA) analysis.
- C. SRS has and will continue to test each outbound load of oil for chlorine content.
- D. Batch oil treatments are approximately 20,000 gallons each treatment.

**NEW PROCEDURES**

- A. Each batch treatment shall be transferred into Tank 4 (tank capacity 360,000 gallons) following the treatment process.
  - B. Prior to collecting composite samples for monthly analysis, Tank 4 will be mixed overnight. (Tanks 3, 4 and 5 have industrial mixing props.)
- SRS feels that collecting samples from Tank 4 will be more representative of our outbound product.

Please phone me direct at 313-841-6445 if you have any additional questions or concerns.

Sincerely,

Gary D. Berndt, CHMM  
Compliance Officer  
Sybill, Inc. d/b/a SRS Environmental

pc: James Helvey, General Manager, SRS Environmental  
V. C. Madias, CEO, SRS Environmental

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

*"Better Service for a Better Environment"*

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

DETROIT OFFICE  
SUITE 3600  
300 RIVER PLACE  
DETROIT MI 48207

September 4, 1998

Mr. Gary Berndt, CHMM  
Compliance Officer  
SRS Environmental  
PO Box 5006  
Dearborn, MI 48128

Dear Mr. Berndt:

SUBJECT: MIR 000 022 400

This correspondence is written to acknowledge receipt of your letter dated July 9, 1998 (received July 22, 1998), which itemizes actions taken by SRS Environmental, (hereafter Facility), located at 111 South Military, Detroit, Michigan, to correct violations in one or more of the following: Part 111, Hazardous Waste Management, Michigan Compiled Laws (MCL) 324.11101 et seq. and Part 121, Liquid Industrial Wastes, MCL 324.12101 et seq. of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended, and any administrative rules or regulations promulgated pursuant to these Acts. These violations were observed by staff of the Department of Environmental Quality (DEQ) during an inspection conducted on April 22, 1998, and the Facility was notified of these violations in letters dated April 24, 1998 and June 23, 1998.

This is to notify the Facility that based on the information in your July 9, 1998, letter, (received July 22, 1998), staff of the DEQ have determined that the Facility has corrected the violations identified with regard to the regulations cited.

However, this determination does not preclude nor limit the DEQ's ability to initiate other enforcement action, under state or federal law, as deemed appropriate.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jeanette M. Noechel".

Jeanette M. Noechel  
Environmental Quality Analyst  
Waste Management Division  
313-392-6524

cc: Ms. Sarah Lile, Detroit Department of Environmental Affairs  
Dr. Benedict N. Okwumabua, WMD, DEQ

7/24/98

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN RE: )  
SYBILL, INCORPORATED )  
111 MILITARY AVENUE )  
DETROIT, MICHIGAN 48209 )  
U.S. EPA ID No. MIR 000 022 400 )  
Respondent )

DOCKET NO. 5-RCRA-011-98

COMPLAINT, COMPLIANCE ORDER,  
and  
NOTICE OF OPPORTUNITY FOR HEARING

I  
COMPLAINT

GENERAL ALLEGATIONS

US ENVIRONMENTAL  
PROTECTION AGENCY  
REGION V

98 SEP 24 P3:32

RECEIVED  
REGIONAL HEARING  
CLERK

1. This is a civil administrative action instituted pursuant to Section 3008(a)(1) of the Solid Waste Disposal Act, also known as the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. §6928(a)(1), and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR §§22.01(a)(4), 22.13 and 22.37(1996).

2. The Complainant is, by lawful delegation, Chief of the Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, United States Environmental Protection Agency (U.S. EPA).

3. The Respondent is Sybill, Incorporated (the "Respondent"), which is and was at all times relevant to this Complaint, the owner and operator of a facility located at 111 Military Avenue, Detroit, Michigan, 48209-4102 (the "Facility").

4. Respondent is a "person" as defined at Section 1004(15) of RCRA, 42 U.S.C. §6903(15), and Michigan Administrative Code (MAC)R 299.9106(i) and is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§6921-6939, and the analogous Michigan regulations as part of the applicable State hazardous waste management program for the State of Michigan.

5. Respondent is a Michigan corporation whose registered agent is Mr. Vasilios C. Madias, 4440 Wyoming, Dearborn, Michigan, 48126.

6. The State of Michigan is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under subtitle C of RCRA, 42 U.S.C. §6921 et seq., subject to the Hazardous and Solid Waste Amendments (HSWA) (Pub. L. 98-616, November 8, 1984), 42 U.S.C. §6926(c) and (g). The regulations comprising the applicable State hazardous waste management program for the State of Michigan were incorporated by reference into Federal law at 40 CFR § 272.1151(a). The State's program, as administered by the Michigan Department of Environmental Quality (MDEQ), was approved by the U.S. EPA pursuant to 42 U.S.C. § 6926(b) and 40 CFR Part 271. The predecessor agency to the MDEQ was the Michigan Department of Natural Resources (MDNR). The U.S. EPA's approval of Michigan's base program was effective on October 30, 1986. See 51 Federal Register (FR) 36804 (1986). Even though the MDEQ has primary responsibility for enforcing its hazardous waste program, the U.S. EPA retains the authority to exercise its enforcement

authorities under Sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. §§ 6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations. See 40 CFR 272.1150(c) (1996).

7. The requirements of the authorized State program are found in Michigan Compiled Laws Annotated, §§299.501-506, 299.521-522, 299.532-535, 299.537, and 299.539-541. See 40 CFR §272.1151(a)(1)(ii) for Michigan Administrative Code Rules.

8. Any violation of regulations promulgated pursuant to Subtitle C, Sections 3001-3019 of RCRA, 42 U.S.C. §§6921-6939, or any State provision approved pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, constitutes a violation of RCRA, subject to the assessment of civil or criminal penalties and compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

9. On September 10, 1992 the regulations for management of used oil burned for energy recovery at 40 CFR Part 266 Subpart E, were incorporated and became enforceable in the used oil management standards at 40 CFR Part 279 Subparts G and H. See, 58 FR 26420 (May 3, 1993).

10. Pursuant to the final rule at 58 FR 26420 - 26426, dated May 3, 1993, and codified at 40 CFR 271.26, the regulations at 40 CFR Part 279, Subparts G and H, are federally enforceable in States that have not yet adopted equivalent requirements to the previous Part 266, Subpart E requirements and received authorization from U.S. EPA to implement and enforce those requirements, effective March 8, 1993. Prior to the effective date of 40 CFR Part 279, the used oil burning requirements

originally promulgated in 1985 and codified at 40 CFR Part 266, Subpart E were federally enforceable in all States which were not yet authorized for the previous Part 266, Subpart E regulations.

11. Pursuant to 61 FR 4742, dated February 8, 1996, the State of Michigan received Federal authorization for its requirements equivalent to 40 CFR 266, Subpart E at MAC R 299.9805, 299.9806, and 299.9807, effective April 8, 1996.

12. The State of Michigan's requirements equivalent to 40 CFR 279, Standards for the Management of Used Oil became effective on October 15, 1996. Federal authorization to enforce these requirements in lieu of the U.S. EPA has not yet been granted.

13. On March 2, 1995, a representative of U.S. EPA conducted a RCRA used oil inspection of the Facility to determine its compliance with the applicable State and Federal used oil management requirements and the observations of that inspection were recorded in a report, dated June 6, 1995.

14. On September 18, 1995, U.S. EPA sent an information request to Respondent pursuant to its authority under Section 3007 of RCRA, as amended, 42 U.S.C. §6927, requesting information regarding Respondent's used oil management activities.

15. Respondent submitted a response, dated October 20, 1995, to U.S. EPA's September 18, 1995, Section 3007 Information Request.

16. Pursuant to 40 CFR §266.43(a) (before March 8, 1993), 40 CFR §279.70(a)(2) (on or after March 8, 1993 to April 7, 1996), and

MAC R 299.9806(1) (on or after April 8, 1996), any person who first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 40 CFR 279.11 and its State equivalent, is subject to the standards for used oil fuel marketers.

17. Paragraph 1, Section III of U.S. EPA's September 18, 1995, Section 3007 Information Request requested a detailed description of the used oil operations carried out by the Respondent. Respondent's October 20, 1995, response provided a marketing brochure that describes the Facility's general operations. The brochure states that the Facility accepts spent coolants and oils for treatment, processing, disposal, and recycling; reclaims for sale, oils which meet "on-spec" fuel guidelines; and combines the treatment process and the reclamation of usable fuel (oil) and/or lube stock to provide generators a disposal solution.

18. Paragraph 5, Section III of U.S. EPA's September 18, 1995, Section 3007 Information Request requested documentation for all shipments of used oil accepted by Respondent for processing and/or re-refining. Respondent's October 20, 1995, response provided a limited sampling of manifests representing the used oil accepted during the years 1992 through 1995. These manifests showed that the Respondent had accepted used oil for processing and/or refining from various industrial facilities including large quantity hazardous waste generators since on or about September 1992. The predominant source of used oil accepted

by the Respondent was from Rouge Steel Company, 3001 Miller Road, Dearborn, Michigan, 48121 (MID 087 738 431).

19. Paragraph 6, Section III of U.S. EPA's September 18, 1995, Section 3007 Information Request requested documentation for all shipments of used oil accepted by Respondent for processing and/or re-refining since September 10, 1992, and shipped to a used oil burner, processor/re-refiner, or disposal facility. Respondent's October 20, 1995, response stated that, "Oil shipped out-bound to various clients (On "Spec" Materials - Non Hazardous) are used in the following ways: A. burn stock; B. lube stock; C. processer/re-refiner".

20. Paragraph 10, Section III of U.S. EPA's September 18, 1995, Section 3007 Information Request requested information about the analyses and ultimate disposition of certain used oil fuel shipments referred to in documents discovered during the March 2, 1995, U.S. EPA inspection. Respondent's October 20, 1995, response indicated that the Respondent made the following shipments of used oil that were to be burned for energy recovery and met the used oil fuel specification listed in 40 CFR 279.11, Table 1 (or otherwise referred to as on-specification used oil fuel):

a. Bill of lading (No. 14312), dated January 18, 1995, for 6,443 gallons of on-specification used oil fuel shipped to Michigan Marine Terminals, U.S. EPA ID Number MID 981 192 347.

b. Bill of lading, dated February 14, 1995, for 8,500 gallons on-specification used oil fuel shipped to Michigan Marine

Terminals, U.S. EPA ID Number MID 981 192 347.

c. Bill of lading, dated April 27, 1995, for 5,500 gallons of on-specification used oil fuel shipped to Warner Petroleum, 2480 S. Clare Ave., Clare, Michigan, 48617.

21. Paragraph 6, Section III of U.S. EPA's September 18, 1995, Section 3007 Information Request requested documentation for each shipment of off-specification used oil fuel sent to a burner since September 10, 1992. Respondent's October 20, 1995, response stated that the Facility has made "No known shipment of off-specification oils."

22. Respondent filed a Notification of Hazardous Waste Activity with the State of Michigan pursuant to Section 3010 of RCRA on March 18, 1997. Respondent indicated in the Notification that it performs the following used oil activities:

- a. used oil fuel marketer who first claims that the used oil meets the specifications;
- b. used oil transporter and transfer facility; and
- c. used oil processor.

23. On March 6, 1998, U.S. EPA issued a Pre-Filing Notice Letter to Respondent, advising Respondent of the possibility of a civil administrative action, and offering Respondent the opportunity to advise U.S. EPA of any other factors to consider in this matter.

24. On June 5, 1998, in a telephone conversation with the Respondent's representative, Mr. Gary Berndt, Sybill's Compliance Officer, Mr. Berndt explained to Mr. Bryan Holtrop of the U.S.

EPA that the Respondent has been accepting and processing used oil since at least on or about September 1992. However, Mr. Berndt added that it wasn't until January 1995 that the Respondent began to actually ship off-site on-specification used oil fuel that was to be burned for energy recovery. During the time period from September 1992 to January 1995, the Respondent stated that the on-specification used oil fuel it derived from the used oil it accepted was accumulated and stored on-site.

25. Based on the information collected during the U.S. EPA's March 2, 1995, inspection, Respondent's October 20, 1995, response to U.S. EPA's Section 3007 Information Request, and Respondent's supplemental information submittals, Respondent has been a marketer of on-specification used oil fuel, as defined at 40 CFR Part 266.43, 40 CFR Part 279.70(a)(2), MAC R 299.9806(1), since at least September 1992.

**COUNT ONE - FAILURE TO NOTIFY**

26. The general allegations of the Complaint are incorporated by reference as though set forth here in full.

27. Pursuant to 40 CFR Part 266.43(b)(3) (before March 8, 1993), 40 CFR Part 279.73(a) (on or after March 8, 1993 to April 7, 1996) and MAC R 299.9806(2)(c) (on or after April 8, 1996) a used oil fuel marketer subject to these requirements must notify the Regional Administrator of its used oil activities and obtain an EPA identification number.

28. Based on information collected during the March 2, 1995, inspection, Respondent's October 20, 1995, response to U.S. EPA's

Section 3007 Information Request, Respondent's supplemental information submittals and a review of U.S. EPA files, Respondent did not notify U.S. EPA of the Facility's used oil marketing activities and obtain a U.S. EPA identification number during the period between September 1992, through March 18, 1997.

29. Respondent's failure to notify U.S. EPA or the State of Michigan of the Facility's used oil marketing activities from on or around September 1992 through March 18, 1997, and obtain an U.S. EPA identification number is a violation of 40 CFR Part 266.43(b)(3) (before March 8, 1993), 40 CFR Part 279.73(a) (from on or after March 8, 1993, to April 7, 1996), and MAC R 299.9806(2)(c) (from on or after April 8, 1996).

**COUNT TWO - STORAGE AND TREATMENT WITHOUT PERMIT**

30. Paragraphs 1 through 29 are incorporated by reference as though set forth here in full.

31. Pursuant to MAC 299.9502(1) (40 CFR §270.1(c)) a permit is required for the treatment, storage, and disposal of any hazardous waste. Owners and operators of hazardous waste management units shall have permits during the active life of the unit.

32. Pursuant to 40 CFR Part 279.10(b)(2), mixtures of used oil and characteristic hazardous waste are subject to regulation as hazardous waste rather than as used oil under this part, if the resultant mixture exhibits any characteristics of hazardous waste identified in Subpart C of 40 CFR Part 261.

33. Paragraph 5, Section III of U.S. EPA's September 18,

1995, Section 3007 Information Request requested documentation for all shipments of used oil accepted by Sybill for processing and/or re-refining since September 10, 1992. Respondent's October 20, 1995, response provided a limited sampling of manifests representing the used oil shipments accepted for the years 1992 through 1995. These manifests showed that the Respondent has accepted and processed used oil shipments from the Rouge Steel Company, 3001 Miller Road, Dearborn, Michigan, 48121, on a continual basis since on or about August 1992. In addition, the manifests showed that the predominant source of used oil accepted by the Respondent is from the Rouge Steel Company.

34. Respondent's October 20, 1995, response to U.S. EPA's September 18, 1995, Section 3007 Information Request included manifests and accompanying analytical results for used oil shipments accepted by the Respondent from the Rouge Steel Company. Analytical results, dated April 12, 1993, relied upon by the Respondent as a representative analysis of the continual shipments of used oil being accepted from the Rouge Steel Company showed that the used oil contained chlordane and heptachlor in concentrations of 2.30 milligrams per liter (mg/l) and 0.02 mg/l, respectively. These concentrations exceeded the maximum concentration of contaminants for the toxicity characteristic for chlordane (U.S. EPA Waste Code D020) at 0.03 mg/l, and heptachlor (U.S. EPA Waste Code D031) at 0.008 mg/l, respectively. Therefore, the used oil mixture accepted from the Rouge Steel Company exhibited the toxicity characteristic causing it to be

regulated as a hazardous waste under Subpart C of 40 CFR Part 261.

35. On April 29, 1998, Respondent submitted additional analytical results documenting the toxicity characteristics of the used oil it accepted from the Rouge Steel Company. Analytical results, dated July 2, 1993 and March 20, 1998, relied upon by the Respondent as a representative analysis of the continual shipments of used oil being accepted from the Rouge Steel Company showed no exceedances of the maximum concentration of contaminants for the toxicity characteristic for chlordane (U.S. EPA Waste Code D020) and heptachlor (U.S. EPA Waste Code D031). Therefore, the used oil mixture accepted from the Rouge Steel Company exhibited the toxicity characteristic for chlordane and heptachlor causing it to be regulated as a hazardous waste under Subpart C of 40 CFR Part 261 from at least April 12, 1993 through July 2, 1993.

36. On April 29, 1998, Respondent submitted analytical results documenting the toxicity characteristics of the used oil it accepted from the Rouge Steel Company. Analytical results, dated July 2, 1993, relied upon by the Respondent as a representative analysis of the continual shipments of used oil being accepted by the Respondent from the Rouge Steel Company showed that the used oil contained hexachlorobutadiene at a concentration of 0.89 mg/l. This concentration exceeded the maximum concentration of contaminants for the toxicity characteristic for hexachlorobutadiene (U.S. EPA Waste Code D033)

at 0.5 mg/l. The Respondent has failed to provide any other analysis or documentation to show that hexachlorobutadiene no longer exceeds the maximum concentration of contaminants for the toxicity characteristic for the used oil it accepts from the Rouge Steel Company. Therefore, the used oil accepted from the Rouge Steel Company exhibited the toxicity characteristic causing it to be regulated as hazardous waste under Subpart C of 40 CFR Part 261 from at least April 12, 1993 through the present time.

37. Pursuant to 40 CFR Part 279.10(b)(1)(ii) (before April 8, 1996) and MAC R 299.9805(2) (on and after April 8, 1996) used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of 40 CFR Part 261. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR Part 261).

38. On May 19, 1998, Respondent submitted analytical results documenting the total halogen content of the used oil treatment sludge derived from the used oil shipments it accepted. Analytical results, dated October 25, 1995, showed that the used oil treatment sludge contained 1012 ppm total halogens. However, the analytical results were not cross-referenced to any particular shipment or shipments of used oil accepted by the Respondent.

39. On May 22, 1998, Respondent submitted analytical results documenting the total halogen content of the processed used oil derived from the used oil shipments it accepted. Analytical results, dated July 24, 1997, October 7, 1997, and January 15, 1998, showed that the processed used oil contained 2750 ppm, 2975 ppm, and 2600 ppm total halogens, respectively. However, the analytical results were not cross-referenced to any particular shipment or shipments of used oil accepted by the Respondent.

40. On June 8, 1998, Respondent submitted analytical results documenting the total halogen content of the processed used oil derived from the used oil shipments it accepted. Analytical results, dated August 12, 1996 and April 10, 1997, showed that the processed used oil contained 3000 ppm and 2850 ppm total halogens, respectively. However, the analytical results were not cross-referenced to any particular shipment or shipments of used oil accepted by the Respondent.

41. Based on information collected during the March 2, 1995, inspection, Respondent's October 20, 1995, response to U.S. EPA's Section 3007 Information Request, Respondent's supplemental information submittals and a review of U.S. EPA files, Respondent failed to rebut the presumption that the used oil containing more than 1,000 ppm total halogens identified in paragraphs 38, 39, and 40 was mixed with hazardous waste as required by 40 CFR 279.10(b)(1)(ii). Specifically, the Respondent failed to provide the appropriate analysis of the used oil to show that it does not

contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR Part 261.

42. Based on information collected during the March 2, 1995, inspection, Respondent's October 20, 1995, response to U.S. EPA's Section 3007 Information Request, Respondent's supplemental information submittals and a review of U.S. EPA files, Respondent has been handling hazardous waste from at least April 12, 1993 through the present time.

43. Respondent's handling of characteristic hazardous waste from the Rouge Steel Company for used oil shipments associated with the analytical results identified in paragraphs 34 and 36 constituted storage and treatment of hazardous waste. In addition, Respondent's handling of halogenated hazardous waste (used oil containing more than 1,000 ppm total halogens) from various industrial sources for used oil shipments associated with the analytical results identified in paragraphs 38, 39, and 40 constituted storage and treatment of hazardous waste. This storage and treatment of hazardous waste at the Facility without a permit from at least April 12, 1993 through the present time, is a violation of MAC R 299.9502(1) (40 CFR § 270.1(c)).

**COUNT THREE - TRANSPORTING WITHOUT IDENTIFICATION NUMBER**

44. Paragraphs 1 through 43 are incorporated by reference as though set forth here in full.

45. Pursuant to MAC 299.9402 (40 CFR Part 263.11(a)) a transporter shall not transport hazardous wastes without having received an EPA identification number from the Regional

Administrator or Regional Administrator's designee.

46. Paragraph 4, Section III, of U.S. EPA's September 18, 1995, Section 3007 Information Request requested documentation for all shipments for which the Respondent acted as a transporter since September 10, 1992. Respondent's October 20, 1995, response to Paragraph 4, Section III of U.S. EPA's Section 3007 Information Request included a limited sampling of manifests representing the used oil shipment accepted for the years 1992 through 1995. These manifests showed that the Respondent has periodically transported shipments of used oil from various industrial sources to its Facility.

47. Respondent's October 20, 1995, response to Paragraph 4, Section III of U.S. EPA's Section 3007 Information Request included one Generator Waste Characterization Report, dated March 1, 1995. The report indicated that the Respondent transported used oil shipments from the Rouge Steel Company to its Facility. Analytical results, identified in Paragraphs 34 and 36, relied upon by the Respondent as representative analyses of the continual shipments of used oil being accepted by the Respondent from the Rouge Steel Company showed that the used oil contained contaminants that exceeded the toxicity characteristic causing it to be regulated as hazardous waste under Subpart C of 40 CFR Part 261.

48. Based on the information collected during the March 2, 1995, inspection, Respondent's October 20, 1995, response to EPA's Section 3007 Information Request, Respondent's supplemental

information submittals, and a review of U.S. EPA files, Respondent has transported hazardous waste and did not obtain an identification number from the U.S. EPA.

49. Respondent's failure to obtain a U.S. EPA identification number for the transportation of hazardous waste from the Rouge Steel Company to its Facility from at least March 1, 1995 through the present time, is a violation of MAC R 299.9402 (40 CFR 263.11(a)).

## II

### COMPLIANCE ORDER

Based on the foregoing findings and pursuant to the authority of Section 3008 of RCRA, 42 U.S.C. § 6928, IT IS HEREBY ORDERED THAT, IMMEDIATELY UPON THE EFFECTIVE DATE OF THIS ORDER:

A. Respondent shall, immediately upon the effective date of this Order, cease transportation, treatment, storage, or disposal of all hazardous waste except where such activities shall be in compliance with the applicable hazardous waste standards and regulations for hazardous waste transportation, treatment, storage, or disposal facilities.

B. Respondent shall, within thirty (30) days of the effective date of this Order, submit to U.S. EPA for review and approval a written waste management plan describing the management of all shipments of used oil accepted by and shipped from the Respondent's Facility. The waste management plan will describe the procedures that will be followed by the Respondent

to achieve and maintain compliance with the applicable requirements of MAC R 299.9806 (40 CFR Part 279, Subpart H), including a written analysis plan describing the procedures and methods that will be used to determine and demonstrate that used oil accepted meets the total halogen requirements under MAC R 299.9805(2) (40 CFR Part 279.10(b)(1)(ii)), and that the used oil fuel meets the specifications listed in MAC R 299.9805(1), (40 CFR 279.11).

C. Respondent shall, within 30 days of the U.S. EPA's review and approval of the Waste Management Plan specified above, revise and implement the plan as required by the U.S. EPA.

D. In addition to implementing the Waste Management Plan, all used oil marketing will be conducted pursuant to, and in compliance with the applicable requirements of MAC R 299.9806 (40 CFR 279, Subpart H, Standards for Used Oil Fuel Marketers).

E. Respondent shall immediately following the effective date of this Order, for a period of 90 consecutive days, perform an analysis or obtain analysis using an analytical method from the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, Edition III for each used oil shipment received by the Facility to determine compliance with MAC R 299.9805(2)[40 CFR 279.10(b)(1)(ii), rebuttable presumption for used oil containing more than 1000 ppm total halogens]. In addition, during that same 90-day period, any shipments received

from the Rouge Steel Company (MID 087 738 431) shall also include an SW-846 analysis for the contaminants listed in 40 CFR Part 261.24(b), Table 1. Respondent shall, at the end of the 90-day period, but no later than 120 days from the effective date of this Order, submit the results of the analyses for all the used oil shipments accepted by the Facility to U.S. EPA.

F. For each used oil shipment accepted by the Facility containing more than 1,000 ppm total halogens, Respondent shall rebut the presumption of mixture with a halogenated hazardous waste either by using an analytical method from SW-846 to demonstrate that the used oil does not contain significant concentrations of halogenated hazardous constituents or by using knowledge to show that the source of halogenated constituents are from exempted sources (such as household hazardous waste or conditionally-exempt small quantity generators).

G. Respondent shall, within 90 days of the effective date of this Order, submit a letter enclosing a new Notification of Regulated Waste Activity (EPA Form 8700-12) or a certification that the March 1997 notification is still true, accurate and complete.

H. Respondent shall, within one-hundred (100) days of the effective date of this Order, submit for review and approval a written closure plan for the affected hazardous waste management units to Michigan Department of Environmental Quality (MDEQ).

I. Respondent shall, within one-hundred (100) days of the approval date of the closure plan, implement the MDEQ approved closure plan and submit certification of closure activities to the MDEQ.

J. Respondent shall notify the U.S. EPA in writing, via certified mail, upon achieving compliance with this Order. This notification shall be submitted no later than the time stipulated above (in paragraphs A through H) to the U.S. EPA Region 5, Waste, Pesticides and Toxics Division, Enforcement and Compliance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, Attention: Bryan Holtrop. A copy of these documents and all correspondence with the U.S. EPA regarding this Compliance Order shall also be submitted to the Michigan Department of Environmental Quality, Waste Management Division, P.O. Box 30241, Lansing, Michigan 48909-7741, Attention: Joanne Merrick.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation or disposal of solid or hazardous waste at this Facility may present an imminent and substantial endangerment to human health or the environment.

On December 31, 1996, the U.S. EPA issued a final Civil Monetary Penalty Inflation Adjustment Rule as mandated by the

Debt Collection Act of 1996 (Pub. L. 104-134, April 26, 1996), raising the maximum penalty from \$ 25,000 to \$ 27,500. The rule provides for the new ceiling to take effect for all violations which occur after January 30, 1997. See 61 FR 69360 (1996).

Therefore, failure to comply with any provision of this Order or to pay the civil penalty assessed below shall subject Respondent to liability for a civil penalty of up to TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$ 27,500) for each day of continued noncompliance, pursuant to Section 3008(c) of RCRA, 42 U.S.C. § 6928(c).

### III

#### **PROPOSED CIVIL PENALTY**

Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the assessment of a civil penalty of up to \$25,000 per day for each violation before January 1, 1997 and \$27,500 after January 1, 1997 of Subtitle C of RCRA. Based upon the facts alleged above in this Complaint, and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and the ability of the Respondent to pay penalties, Complainant proposes that Respondent be assessed a civil penalty of EIGHT HUNDRED SIXTY FOUR THOUSAND SEVEN HUNDRED SEVENTY THREE DOLLARS (\$864,773) pursuant to Section 3008(c) and 3008(g) of RCRA, 42 U.S.C. §6928 for the violations alleged in this Complaint. Attachment 1 to

this Complaint provides a detailed summary for the proposed civil penalty. Respondent may pay this penalty by certified or cashier's check, payable to "Treasurer, the United States of America," and remit to:

U.S. Environmental Protection Agency, Region 5  
P.O. Box 70753  
Chicago, Illinois 60673

A copy of the check shall be sent to:

Tom Turner (C-14J)  
Office of the Regional Counsel  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Regional Hearing Clerk (R-19J)  
Planning and Management Division  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

A transmittal letter identifying this Complaint shall accompany the remittance and the copy of the check.

#### IV

#### **OPPORTUNITY TO REQUEST A HEARING**

In accordance with the Administrative Procedure Act (the APA), 5 U.S.C. §§ 551 et seq., you have the right to request a hearing to contest any material fact contained in this Complaint and Compliance Order, and/or to contest the appropriateness of the proposed compliance schedule or amount of the penalty. Any hearing that you request will be held and conducted in accordance

with the provisions of the APA, 5 U.S.C. §§ 551 et seq., and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 CFR Part 22. A copy of these rules accompanies this Complaint.

If you wish to avoid being found in default, you must file a written Answer to this Complaint with the Regional Hearing Clerk, (R-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, within thirty (30) days of the date this Complaint has been filed with the Regional Hearing Clerk. The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with respect to which Respondent has any knowledge, or clearly state that Respondent has no knowledge as to particular factual allegations in the Complaint. The Answer should also state:

1. The circumstances or arguments that you allege constitute the grounds of defense;
2. The facts that you intend to place at issue; and
3. Whether you request a hearing.

Failure to deny any of the factual allegations in this Complaint constitutes admission of the undenied allegations.

A copy of this Answer and any subsequent documents filed in this action should be sent to Mr. Tom Turner, Office of Regional

Counsel (C-14J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Mr. Tom Turner may be telephoned at (312) 886-6613.

If you fail to file a written Answer within thirty (30) days of the date this Complaint has been filed with the Regional Hearing Clerk, with or without a Request for Hearing, the Regional Administrator or Presiding Officer may issue a Default Order. Issuance of such Default Order will constitute a binding admission of all facts alleged in the Complaint and a waiver of your right to a hearing under RCRA. The civil penalty proposed in this Complaint shall then become due and payable without further proceedings sixty (60) days after a Final Order of Default is issued pursuant to 40 CFR § 22.17(a). In addition, the default penalty is subject to the provisions relating to imposition of interest, penalty and handling charges set forth in the Federal Claims Collection Act of 1966, 31 U.S.C. § 3717. Interest will accrue on the default penalty at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. The U.S. EPA will impose a late payment handling charge of fifteen dollars (\$ 15.00) for each subsequent thirty (30) day period over which an unpaid balance remains. In addition, the U.S. EPA will apply a six (6) percent per annum penalty on any principal amount not paid within ninety (90) days of the date that the Default Order is signed by the Regional

Administrator or Presiding Officer.

## V

**SETTLEMENT CONFERENCE**

Whether or not you request a hearing, you may request an informal conference in order to discuss the facts of this case and to arrive at a settlement. To request a settlement conference, write to Mr. Bryan Holtrop, Enforcement & Compliance Assurance Branch (DRE-9J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or telephone him at (312) 353-5103.

Your request for an informal settlement conference does not extend the thirty (30) day period during which you must submit a written Answer and Request for Hearing. You may pursue the informal conference procedure simultaneously with the adjudicatory hearing procedure.

The U.S. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibilities of settlement through an informal conference. However, the U.S. EPA will not reduce the penalty simply because such a conference is held. Any settlement that may be reached as a result of such conference shall be embodied in a written Consent Agreement and Consent Order (CACO) issued by the Director of the Waste, Pesticides and Toxics Division, U.S. EPA, Region 5. The issuance of such a CACO shall constitute a waiver of your right to request a hearing on

any stipulated matter in the Agreement.

Dated this 24<sup>th</sup> day of September, 1998.

Joseph M. Boyle  
Joseph M. Boyle, Chief  
Enforcement and Compliance Assurance Branch  
Waste, Pesticides and Toxics Division  
U.S. Environmental Protection Agency  
Region 5  
Complainant

ATTACHMENT 1  
PENALTY SUMMARY SHEET  
SYBILL, INC.

NATURE OF VIOLATION DATE OF VIOLATION	CITATION OF REGULATION OR LAW	GRAVITY-BASED PENALTY	MULTI-DAY PENALTY AMOUNT	ECONOMIC BENEFIT	TOTAL PENALTY
COUNT 1 - Failure to notify U.S. EPA of used oil marketing activities and obtain a U.S. EPA ID number. Duration interval is from September 1992, to March 18, 1997	40 CFR 266.43(b)(3) 40 CFR 279.73(a) MAC R 299.9806(2)(c)	moderate/moderate <sup>1</sup> \$6,500	\$165,575	\$0	\$172,075
COUNT 2 - Failure to obtain a RCRA permit for handling listed hazardous waste. Duration interval is from April 12, 1993 to present.	MAC 299.9502(1) (40 CFR 270.1(c))	major/major <sup>2</sup> \$22,500	\$537,000	\$115,698	\$675,198
COUNT 3 - Failure to obtain a U.S. EPA identification number for transporting hazardous waste. Date of violation is March, 1 1995.	MAC R 299.9402 (40 CFR 263.11(a))	major/moderate <sup>3</sup> \$17,500	\$0	\$0	\$17,500
					Total: \$864,773

<sup>1</sup> Potential for Harm = moderate; and Extent of Deviation = moderate

<sup>2</sup> Potential for Harm = major; and Extent of Deviation = major

<sup>3</sup> Potential for Harm = major; and Extent of Deviation = moderate

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

Mr. Vasilios C. Madias  
111 Military Avenue  
Detroit, Michigan, 48209

I have further caused the original of the Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Office of the Regional Administrator U.S. EPA Region 5, 77 West Jackson Boulevard (R-19J), Chicago, Illinois 60604, on the date below.

This is said person's last known address to the subscriber.

Dated this 24 day of September, 1998.

Kimberly Williams  
Secretary, Enforcement and  
Compliance Assurance Branch  
U.S. EPA, Region 5

US ENVIRONMENTAL  
PROTECTION AGENCY  
REGION V

98 SEP 24 P3:32

RECEIVED  
REGIONAL HEARING  
CLERK





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
EASTERN DISTRICT OFFICE  
25089 CENTER RIDGE ROAD  
WESTLAKE, OH 44145

June 6, 1995

**MEMORANDUM**

**SUBJECT:** RCRA Used Oil Inspection - Sybill, Inc., Detroit, Michigan, (AGD201:IA)

**FROM:** Mark E. Conti, <sup>MEC</sup> Environmental Engineer

**THRU:** A. R. Winklhofer, Chief  
Eastern District Office (SE-W) *[Signature]*

**TO:** RCRA Enforcement Branch (HRE-8J)

**ATTN:** Joseph Boyle, Chief

On March 2, 1995, I conducted a RCRA used oil inspection at Sybill, Inc. (111 Military Avenue, Detroit, Michigan). The inspection was done in response to Sue Brauer's request. A summary of my findings is attached. The inspection was conducted concurrent with a total facility air inspection, industrial user compliance evaluation inspection, PCB sampling inspection, SPCC inspection, and multimedia screening inspection, which were done in response to requests from the respective program offices. Findings from those inspections are addressed in separate reports. If you have any questions regarding my findings, please contact me at 216/522-7260.

Attachments

c: Roger Grimes (CM-3T)



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U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
ENVIRONMENTAL SCIENCES DIVISION  
EASTERN DISTRICT OFFICE

RCRA Used Oil Inspection Report

I. FACILITY NAME AND ADDRESS

Sybill, Inc.  
111 Military Avenue  
Detroit, Michigan 48209-4102

II. DATE OF INSPECTION

March 2, 1995

III. PARTICIPANTS

A. Sybill, Inc.

Mohamed Ahmed, plant supervisor  
telephone number: 313/841-6190  
Fira Lupyan, chemist

B. Sybill, Inc./NAVE, Inc.

Gary Berndt, compliance officer  
telephone number: 313/582-2520

C. U.S. Environmental Protection Agency - EDO

Mark E. Conti, environmental engineer

D. Michigan Department of Natural Resources - Waste  
Management Division

Tim Sonnenberg, environmental quality analyst

IV. OBJECTIVE

The objective of the inspection was to gather specific information needed by the requester to determine the facility's compliance status with respect to RCRA Subchapter I.

V. INTRODUCTION

During the inspection, I looked at the facility's waste and wastewater treatment processes, inventoried oil and wastewater stored at the plant, reviewed shipping receipts, and reviewed sampling data.

## VI. BACKGROUND

Sybill treats wastewater, oil emulsions, and used oil. The facility has storage tanks, treatment tanks, chemical tanks, a wastewater discharge tank, and a laboratory.

## VII. SUMMARY OF FINDINGS

### A. Name and Ownership of Company

The records which I reviewed showed that used oil has only been sold under the company name Sybill, Inc. Waste shipments received at Sybill are delivered by NAVE, Inc. Sybill and NAVE are owned by Vasilios C. Madias.

### B. Waste Treatment

Figure 1 (Attachment 1) is a layout of the facility. Table 1 is an inventory of the wastewater and oil that was on site at the time of the inspection. In addition to wastewater and oil, the facility had about 20 cubic yards of sludge in a roll-off box in the treatment building.

Tanks 1-4 are used to store incoming wastewater and oil. Tanks 9, 11, 12, and 14 are used to split oil and water emulsions. Tanks 15-17 are used to treat oil and hold reclaimed oil. Tank 10 is used for wastewater treatment, and Tank 5 is a wastewater discharge tank. Separators 1 and 2 are oil/water separators.

Treatment of waste varies from shipment to shipment. Sybill tests the treatability of each batch of waste that will be processed. A sample is treated in the lab with aluminum sulfate, sulfuric acid, and sodium metasilicate pentahydrate to determine which chemical is most effective at separating water and solids from the oil. When the waste is processed, chemicals are added in the ratios they were added during the bench scale test. Heat is used during processing to physically separate water and oil.

Wastewater is pumped into Separator 1. The water phase is pumped to Tank 10 for pH adjustment with sulfuric acid. Tank 10 is also heated. Neutralized wastewater is further separated in Separator 2. From Separator 2, the water is pumped to Tank 5. The wastewater in Tank 5 is discharged to the Detroit Wastewater Treatment Plant. Figure 2 (Attachment 1) shows the flow of wastewater through the facility.

TABLE 1

## Inventory of Wastewater and Oil Storage At Sybill During

<u>Tank</u>	<u>Volume</u>	<u>Description</u>	<u>Contents During Inspection</u>
1	250,000 gal	storage of incoming wastewater and oil	~200k gal, 40-50% oil
2	250,000 gal	storage of incoming wastewater and oil	~225k gal, 40-50% oil
3	360,000 gal	storage of incoming wastewater and oil	full, 40-50% oil
4	360,000 gal	storage of incoming wastewater and oil	full, 40-50% oil
5	180,000 gal	wastewater discharge tank	full, ~2000 gal oil
9	10,000 gal	oily wastewater treatment tank	full, 2-30% oil
10	14,000 gal	wastewater treatment tank	full, water
11	30,000 gal	oily wastewater treatment tank	full, 2-30% oil
12	30,000 gal	oily wastewater treatment tank	full, 2-30% oil
14	10,000 gal	oily wastewater treatment tank	full, 2-30% oil
15	11,000 gal	oil treatment tank	~8000 gal oil
16	11,000 gal	oil treatment tank	~8000 gal oil
17	11,000 gal	oil treatment tank	~8000 gal oil
S1	<2,000 gal	oil/water separator tank	full, ~500 gal oil
S2	4,000 gal	oil/water separator tank	full, ~1000 gal oil

Oily wastewater and oil and water emulsions are placed into Tanks 9, 11, 12, or 14. The oil fraction is split and separated from the water fraction with indirect steam heat and aluminum sulfate, sulfuric acid, or sodium metasilicate pentahydrate. The water fraction is pumped to Tank 10 and the oil is pumped to Tank 15 or 16. Oil that is pumped from Tanks 9, 11, 12, and 14 to Tanks 15 and 16 is further treated with aluminum sulfate or sulfuric acid. Tanks 15 and 16 are also heated to facilitate separation of oil and water. The water from Tanks 15 and 16 is pumped to Tank 10.

Used oil is placed in Tank 17. Oil and water are separated by heating the oil to 180-200°F. The water is removed and pumped into Tank 10.

Sludge from the process tanks and separators is loaded into a roll-off box and stabilized with aluminum sulfate. It is then solidified with lime. The solidified sludge is disposed at a landfill.

#### C. Wastestream Characterization

From the records that I reviewed, it appears that at least 90 percent of the waste oil received at Sybill comes from Rouge Steel. Rouge Steel's waste oil comes from the tandem mill and pickling lines. Other generators that have shipped waste oil and/or wastewater to Sybill include Hygrade (waste grease and water), LTV Steel (tramp oil), City of Owasso (waste oil), and Ohigara (oily water). Shipments are not accompanied by uniform hazardous waste manifests.

Waste shipments received at Sybill are "fingerprinted" for color match, pH, flash point, and oil/water ratios. The generators listed above provided Sybill with one-time sample results for PCBs, ignitibility, corrosivity, reactivity, and the toxicity characteristic using the Toxicity Characteristic Leaching Procedure (TCLP). Rouge Steel's analysis report showed that the #7C Tandem Mill waste oil exceeded the regulatory level for chlordane and heptachlor. The #7A C M Pickling Line waste oil exceeded the regulatory level for barium. The analysis report is in Attachment 2. The wastes from the other generators did not exhibit any of the characteristics of hazardous waste. Additionally, no PCBs were detected by the generators.

D. Fate of Used Oil and Processed Used Oil

Sybill processes used oil as described in Paragraph VII.B. The facility does not burn any oil in-house. Process steam is generated with a portable gas-fired boiler, which is operated by a contractor.

According to Mr. Ahmed, Sybill did not market used oil prior to mid-February 1995. Before mid-February, processed used oil was sold or given to other marketers. The primary recipient of Sybill's used oil has been Michigan Marine Terminal in River Rouge, Michigan. An example of Sybill's shipping receipt and Michigan Marine Terminal's sales receipt are in Attachment 3. Attachment 3 also includes laboratory data and a receipt for processed used oil sold to Warner Petroleum.

In February 1995, Sybill marketed processed used oil to two companies. On February 14, 1995, Sybill sold 8,500 gallons of processed used oil to Usher Oil Company, 9000 Roselawn, Detroit, Michigan 48204. The oil was sold as #4 fuel oil. Additionally, Sybill's shipping receipt described the oil as on-specification oil. Mr. Ahmed did not know whether the oil would be used as a fuel or a lubricant. On February 23, 1995, Sybill gave 4,000 gallons of processed used oil to Buck's Oil Company, Inc., 30110 Beverly, Romulus, Michigan 48174. The oil was marketed as #4 fuel oil. Sybill's shipping receipt described the oil as on-specification oil. Mr. Ahmed did not know whether the oil would be used as a fuel or a lubricant. Buck's Oil Company's bill of lading included a notation that the used oil was subject to 40 CFR Part 266. The receipts and bills of lading for both transactions are in Attachment 4.

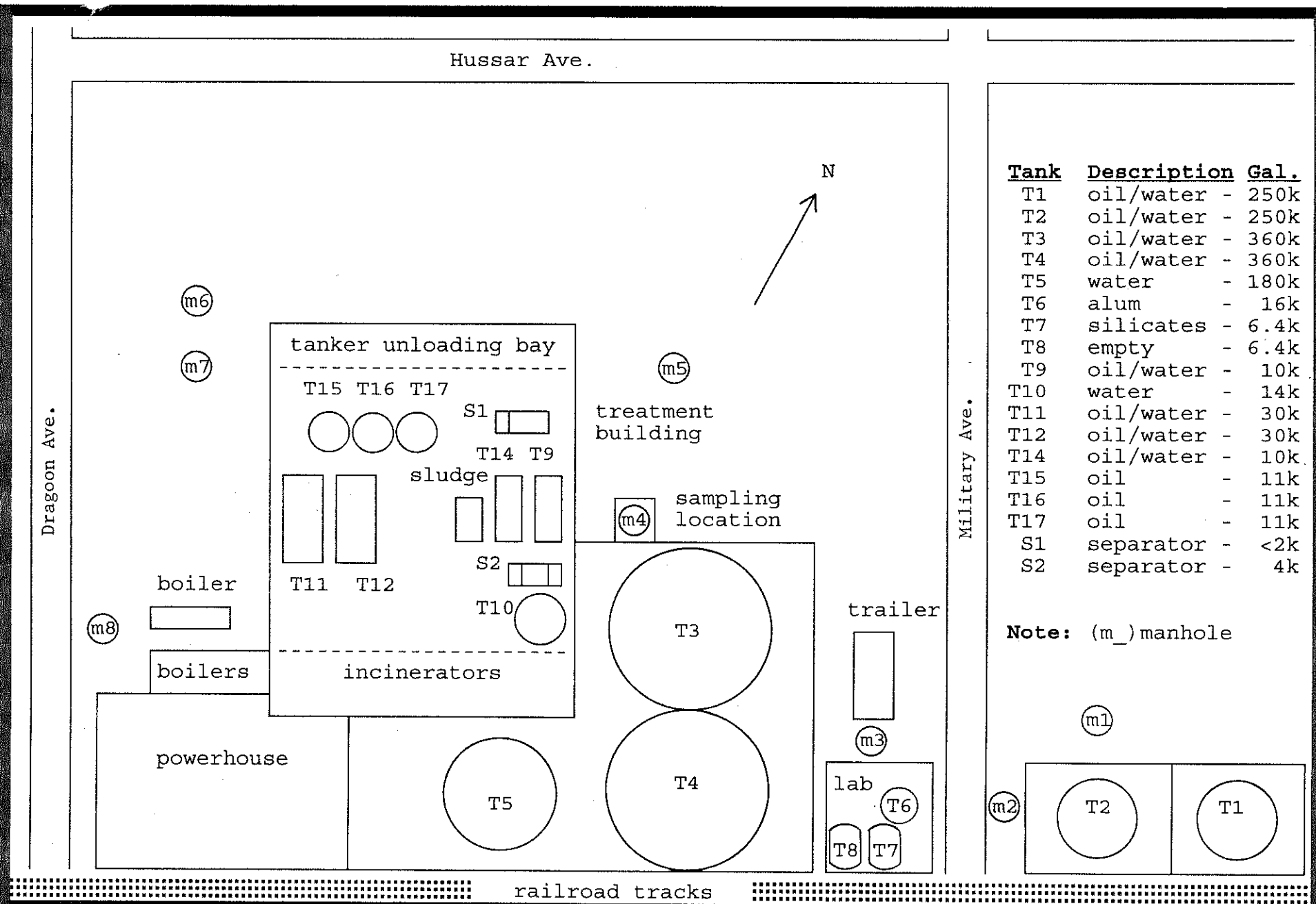
E. Used Oil Specifications

Mr. Ahmed told me that Usher Oil Company and Buck's Oil Company were provided with results of oil samples prior to delivery. On February 6, 1995, Sybill submitted a sample of oil (#4 fuel oil) to ACIS Laboratories for total metals and PCBs (total arochlor) analyses. The results are in Attachment 5. In addition to supplying metals and PCBs results, the receipt for oil given to Buck's Oil Company includes the flash point. The receipt is in Attachment 5.

## LIST OF ATTACHMENTS

<u>ATTACHMENT NUMBER</u>	<u>DESCRIPTION</u>
1	Figures 1 and 2
2	Sample Report for Rouge Steel's Waste Oil
3	Select Shipping Receipts and Lab Data Associated with Sales to Michigan Marine Terminal and Warner Petroleum
4	Receipts and Bills of Lading for Used Oil Marketed to Usher Oil Company and Buck's Oil Company
5	Used Oil Specifications

# ATTACHMENT 1

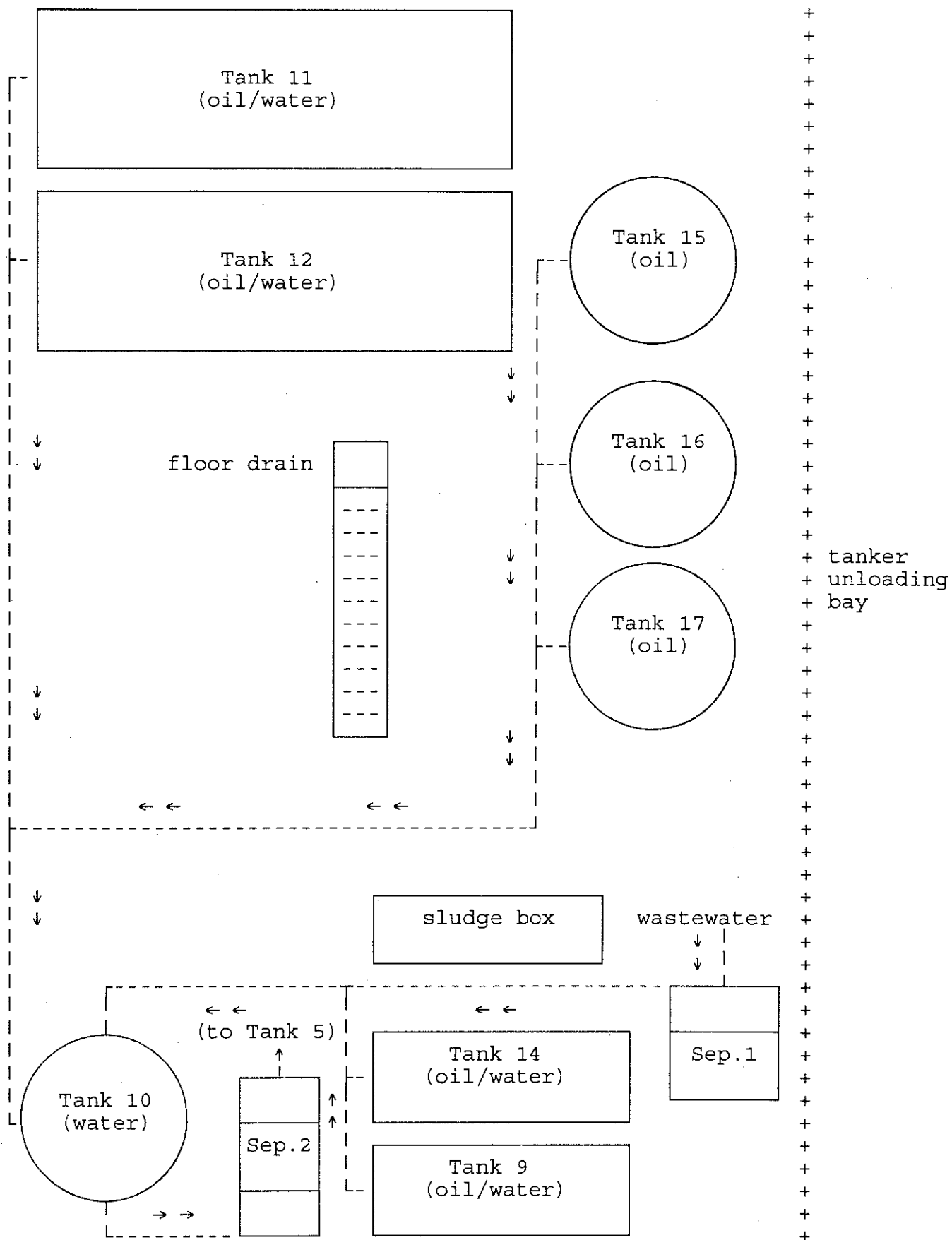


<u>Tank</u>	<u>Description</u>	<u>Gal.</u>
T1	oil/water	- 250k
T2	oil/water	- 250k
T3	oil/water	- 360k
T4	oil/water	- 360k
T5	water	- 180k
T6	alum	- 16k
T7	silicates	- 6.4k
T8	empty	- 6.4k
T9	oil/water	- 10k
T10	water	- 14k
T11	oil/water	- 30k
T12	oil/water	- 30k
T14	oil/water	- 10k
T15	oil	- 11k
T16	oil	- 11k
T17	oil	- 11k
S1	separator	- <2k
S2	separator	- 4k

**Note:** (m\_) manhole

**Figure 1.** Layout of Sybill, Inc.

Not to scale.  
M. Conti 04/07/95



**Figure 2.** Wastewater Flow Diagram for Sybill, Inc.

Not to scale.  
M. Conti 04/07/95

## ATTACHMENT 2



# ENVIRONMENTAL QUALITY LABORATORIES, INC.

44075 Phoenix Drive  
Sterling Heights, Michigan 48314-1420  
(313) 731-1818  
Outside Michigan Dial 1-800-368-5227  
Fax Line 313-731-2590

CLIENT: MPC ENVIRONMENAL  
8631 W. JEFFERSON AVE.  
DETROIT, MI 48209

SAMPLE NO. 2704

SAMPLE DESCRIPTION: JOB # 9736, ROUGE STEEL CO.  
6907 #7C TANDEM MILL OIL

Date Reported: 4/12/93  
Date Received: 3/24/93

## TCLP PESTICIDES/HERBICIDES METHOD 8080/8150

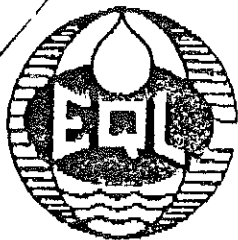
EPA HW#	CONSTITUENT	CONCENTRATION mg/L	REGULATORY LEVEL (mg/L)
<b>PESTICIDES</b>			
D020	CHLORDANE	2.30	0.03
D012	ENDRIN	*LESS THAN 0.010	0.02
D031	HEPTACHLOR	0.020	0.008
	(& epoxide)	0.013	
D013	LINDANE	0.084	0.4
D014	METHOXYCHLOR	LESS THAN 0.010	10.0
D015	TOXAPHENE	LESS THAN 0.010	0.5
<b>HERBICIDES</b>			
D016	2,4-D	LESS THAN 10	10.0
D017	2,4,5-TP	LESS THAN 1.0	1.0
	(SILVEX)		

\*NOTE: TERM LESS THAN DENOTES DETECTION LIMIT OF TEST.

James Tomalia, Laboratory Supervisor

C. Bloom, Assistant Laboratory Supervisor

*J. Tomalia*  
*C. Bloom*



# ENVIRONMENTAL QUALITY LABORATORIES, INC.

44075 Phoenix Drive  
Sterling Heights, Michigan 48314-1420  
(313) 731-1818  
Outside Michigan Dial 1-800-368-5227  
Fax Line 313-731-2590

MPC ENVIRONMENTAL  
GROUNDWATER SERVICES  
8631 W. JEFFERSON AVE  
DETROIT, MI 48209

DATE RESUBMITTED: 5/3/93  
DATE REPORTED: 4/12/93  
DATE RECEIVED: 3/24/93  
LAB NO: 2702

DESCRIPTION AND SAMPLE NUMBER: ROUGE STEEL CO.  
6905 #7A C M PICKLING LINE OIL

SAMPLE MATRIX:

REPORT OF ANALYSIS

"REVISED REPORT"\*\*\*

TCLP EXTRACTION - LEACHATE  
(all results in ppm or mg/l)

EPA  
STANDARDS  
(ppm or mg/l) METHOD  
SW 846-B

EPA HW#					
D004	ARSENIC	=	LESS THAN 0.10	5.0	6020
D005	BARIUM	=	1273	100.0	6020
D006	CADMIUM	=	1.0	1.0	6020
D007	CHROME, TOT.	=	1.0	5.0	6020
	COPPER	=	LESS THAN 1.0	100.0	6020
D008	LEAD	=	1.4	5.0	6020
D009	SILVER	=	LESS THAN 1.0	0.2	7470
D010	ZINC	=	16.5	1.0	6020
D011	SELENIUM	=	LESS THAN 0.5	5.0	6020
	MURCURY	=	LESS THAN 0.2	500.0	6020

IGNITABILITY = GT 212°F

CORROSIVITY (pH) = 5.0

BELOW 140 DEGREE F  
SEC. 2.1.1 1010  
LESS THAN OR = TO 2 OR  
GREATER THAN OR = 12.5 9040

## REACTIVITY

AS REACTIVE CYANIDE = LESS THAN 1.0 mg/kg 9010  
AS REACTIVE SULFIDE = LESS THAN 10.0 mg/kg 9030

TOTAL HALOGENS (TX) = LESS THAN 0.10 % D808

\*NOTE: TERM LESS THAN DENOTES DETECTION LIMIT OF TEST.

\*\*NOTE: "TX" RESULT WAS ORIGINALLY INCORRECTLY REPORTED AS "TOTAL CHLORINE".

\*\*\*NOTE: SAMPLE DESCRIPTION CORRECTED TO MATCH CHAIN OF CUSTODY.

JAMES TOMALIA, LAB SUPERVISOR

C. BLOOM, ASSISTANT LAB SUPERVISOR

REFERENCES: SW 846. ALL CURRENT EDITIONS.

tc

## ATTACHMENT 3

# SYBILL, INC.

WASTE TREATMENT CENTER

111 MILITARY  
DETROIT, MICHIGAN 48209

TELEPHONE: (313) 841-6190

SHIPPER #

69

DATE:

1.16.95

MICHIGAN MARINE TERMINAL  
RIVER ROUGE, MI

QTY

[ ] TYPE OF MATERIAL: UNSPEC E.P.A. FUEL

[ ] GALLONS:

6,500

MANIFEST #

EPA of Spill oil

Post-it® Fax Note

7671

Date 1.17.95 # of pages

To Dave Robinson

From Sybill

Co./Dept.

Co.

Phone #

Phone # 841-6190

Fax # 842-8068

Fax # 841-6446

REMITT ADDRESS:

P.O. BOX 5006  
DEARBORN, MICHIGAN 48128

DRIVER

Kirk

TRANSPORTER: N/A INC. TRUCK #

COUNTER SIGNATURE

SHIPPER SIGNATURE

ORIGINAL  
**Michigan Marine Terminals**

DATE 1/18/95 No. 14312

P.O. NO. \_\_\_\_\_ REL NO. \_\_\_\_\_

SOLD TO:

*LOAD FROM SYBILL*

TIME  
IN/OUT

SHIP TO:

*FOR THE ACCOUNT OF  
ES&R*

B/L #

*#69*

METERED GALS.	TEMP. DEG.	PRODUCT DESCRIPTION	
		DIESEL FUEL	
		# FUEL OIL	
		#400 OIL	
<i>6443</i>	<i>78°</i>	<i>#6 EPA ON SPEC FUEL</i>	
Placard & UN No. If needed: (HM)		<input type="checkbox"/> 1993 Combustible	<input type="checkbox"/> 1203 Flammable
API		SULPHUR	

SPECIAL INSTRUCTIONS

Terminal Worker <i>KH</i>	Tank No. <i>N/A</i>
Truck & Trailer No. <i>78/23</i>	Carrier <i>MMT</i>
YOUR SALE NO.	END DELIVERY

*TRAILER #23*

PREVIOUS SALE NO. \_\_\_\_\_ START DELIVERY \_\_\_\_\_

GROSS GALS:

*\* - Loaded directly onto  
Trailer #48.*

Driver  
Signature \_\_\_\_\_

RECEIVED QUANTITY, SHOWN ABOVE

Date	1/19/95	# of pages	1
From	Don. Robinson		
To	Michigan		
Co./Dept.	Sybill		
Phone #	MMT		
Phone #	841-6100		
Fax #	841-6446		

Post-It Fax Note 7671

PICK - UP RECEIPT

SHIPPER #

506

DATE: 4/27/93

FROM: SYBILL, INC.

111 MILITARY

DETROIT, MI 48209

(313) 841-6190

TO: WARNER PETROLEUM

DEARBORN, MI

GALLONS PICKED-UP 5500

TYPE OF PRODUCT CM Spec Oil

ACIS LAB

9304-2183

TRUCK #

8902-10210

DRIVER

Robert Nelson

SHIPPER

Robert Nelson

CONSIGNEE

# ACIS LABORATORIES

2600 CLIFFORD

DETROIT, MICHIGAN 48201

Phone: 313-964-5230

• 35 Years Experience in Consulting & Analytical Services

Sample Number

9304-2383

Purchase Order #

Date Recd

4/27/93

SYBILL

Item:

Sample of: Recycled Oil - Batch # 006 4/27/93

Services Requested:

B. S. Smith

Type Container:

Delivered By:

Signature

Received by:

Signature

Volume:

Blow \_\_\_\_\_ 12%  
① Sediment 4%  
② WATER 6  
③ Fat/oil approx 2%

Time:

*[Signature]*

## ATTACHMENT 4

**SYBILL, INC.**

WASTE TREATMENT CENTER  
111 MILITARY  
DETROIT, MICHIGAN 48209  
TELEPHONE: (313) 841-6190

SHIPPER #

076

DATE:

2.14.95

MICHIGAN MARINE TERMINAL  
RIVER ROUGE, MI

QTY

[ ] TYPE OF MATERIAL: UNSPEC E.P.A. FUEL

[ ] GALLONS:

8500 gal

MANIFEST #

EPA on spec oil

REMITT ADDRESS:

P.O. BOX 5006  
DEARBORN, MICHIGAN 48128

DRIVER

TRANSPORTER: N/A INC. TRUCK #

COUNTER SIGNATURE

SHIPPER SIGNATURE

Date	2.14.95	# of pages	1
From	SYBILL, INC		
To	BESS		
Co/Dept.			
Phone #			
Fax #	582-2206		
			841-6445

# USHER OIL COMPANY

... safely recycling since 1930

9000 ROSELAWN  
DETROIT, MICHIGAN 48204  
(313) 834-7055

Date 2/14/95

P.O. No. \_\_\_\_\_

Bill To: \_\_\_\_\_

Sybil, Inc.  
1114 Milford  
Detroit MI 48209  
313-841-6190

Pick up waste oil and water and transport to Usher Oil for disposal.

## SPECIAL INSTRUCTIONS:

8500 GALS. 15,000 gallons / Oil

\_\_\_\_ HOURS \_\_\_\_\_

Signed By Melanie

SYBILL, INC.

WASTE TREATMENT CENTER  
111 MILITARY  
DETROIT, MICHIGAN 48209  
TELEPHONE: (313) 841-6190

SHIPPER #

079

DATE:

2-23-75

MICHIGAN MARINE TERMINAL  
RIVER ROUGE, MI

QTY

[ ] TYPE OF MATERIAL: UNSPEC E.P.A. FUEL

[ ] GALLONS:

4000

MANIFEST #

Oil in tank oil

REMITT ADDRESS:  
P.O. BOX 6006  
DEARBORN, MICHIGAN 48129

DRIVER

*D. B. B. B.*

TRANSPORTER: NAME INC. TRUCK #

111

COUNTER SIGNATURE

SHIPPER SIGNATURE

oil 97%  
water 0.22%  
solids 2.8%  
Ash 0.35%  
Fl of 7300  
color: light brown



# Buck's Oil Co., Inc.

1254

Waste Oils  
Waste Waters

0110 Beverly  
Romulus, Michigan 48174

(313) 388-7555  
(313) 728-3280  
FAX No. (313) 753-9111

## ☆☆ BILL OF LADING ☆☆

DATE: February 23, 1995

CUSTOMER: Sybill, Inc.

CONTACT PERSON: Mohammad

ADDRESS: 111 Military

PHONE NUMBER: 313-841-6190

Detroit, MI 48209

SERVICE TIME: Left yard 10:45

LOAD TIME

ARRIVE

START

Finish

DIRECTIONS: \_\_\_\_\_

JOB DESCRIPTION: Transport recycled used oil from Sybill, Inc. to American Waste,  
44141 Yost Rd., Belleville, MI.

SPECIAL EQUIPMNT OR INSTRUCTIONS: This used oil is subject to EPA Regulations under  
40 CFR Part 266.

NUMBER OF GALLONS/DRUMS: 4000

TANKER NUMBER: 16

☆☆ SIGNATURES ☆☆

CUSTOMER: Moham

DRIVER: D. D. Dons

## ATTACHMENT 5

## ACIS LABORATORIES

2600 CLIFFORD - DETROIT, MI. 48201  
(313) 964-3119 FAX (313) 964-1203

SPECIALISTS IN PETROLEUM TECHNOLOGY

REPORT #9502-4420  
REPORT DATE: 2-10-95

P.O. #Verbal

SYBILL, INC.,  
111 Military  
Detroit, MI 48209

Attn: Mr. Bill Madias

Sample of: Fuel Oil #4- 2-6-95.

Services Requested: Perform Analysis to determine:

Metals- EPA 6010  
PCB- EPA 4059

Dates of Analysis: 2-7-8-9-95  
Analyst: CR/DJ

Results:PARAMETEREPA 6010 PPM

Arsenic	-----1.5
Barium	-----3.0
Cadmium	-----1.0
Chromium	-----2.5
Copper	-----2.0
Lead	-----1.8
Nickel	-----1.0
Silver	-----1.0
Zinc	-----8.5
Iron	-----230

Note: = denotes less than.

(Total Arochlor) -----N/D =1.0 PPM  
PCB - METHOD DETECTION LIMIT -----1.0 PPM

N/D denotes None Detected.

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION V

EASTERN DISTRICT OFFICE

STATE NOTIFICATION OF INSPECTION

Authority: \_\_\_\_\_ SECTION 114(d)(1)-CLEAN AIR ACT, AS AMENDED  
\_\_\_\_\_ CWA, \_\_\_\_\_ TSCA, ☒ RCRA, \_\_\_\_\_ SWDA

Source Name Sybill, Inc.

Address 111 Military Ave.

City Detroit

State Michigan

Person Notified Tim Sonnenberg

Title environmental quality analyst

Organization MDNR - Waste Mgt. Div.

Date of Notification 2-23-95

Planned Date of Inspection 3-2-95

Purpose of Inspection (compliance monitoring, Enforcement Division request etc.)

RCRA Enforcement Branch request (part of multimedia inspection)

Scope RCRA used oil inspection

Person Giving Notice Mark E. Conti

Title Environmental Engineer

Organization ESD/EDO

Mark E. Conti  
(signature)

(A copy of this notification must accompany each Air inspection report).  
For all other types of inspections include with file copy of report.

From: SUE BRAUER  
To: VALENTINO-MICHAEL  
Date: 5/6/99 9:29am  
Subject: MEETING RESCHEDULED -Reply -Reply

Mike, I typically like to review shipping documents, certifications received and sent, and analytical data for incoming and out-bound shipments of used oil.

Are you announcing the inspection?

Sue Brauer

>>> MICHAEL VALENTINO 04/30/99 09:21am >>>

Inspection Team Members:

Could everyone please provide me, at our meeting, with a list of what documents you would want Dearborn to produce either during or in advance of our inspection in order for you to determine the facility's compliance status?

Thank you,

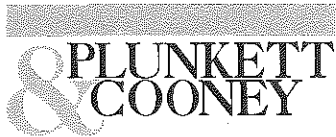
Mike

*Handy Plumbing*  
*708.579.2222*

*Kelly Bowers*  
*513.651.6144*  
*MI0980684088*  
*MI0980615298*  
*compliance states*  
*Retroch*  
*Solvent Distillers*  
*Retrochem Freemay Corp*



I visited the Sybill (SRS) facility in Detroit on Tues, March 19th. I drove around the site twice. I parked on Military Avenue along the east entrance to the office complex and processing area (to the east of Military Ave and west of Cavalry Ave, Sybill owns two 250,000 gal steel storage tanks). I took several photos. From what I could gather, it appears that there is no activity at the site. The gates on Military Ave were chained and padlocked. The control building which houses the lab on the 2nd floor was also padlocked. I observed two louvered windows opened on the east side of the control bldg. All other windows were closed on the 2nd floor; there are no windows on the 1st level. I did not observe any lights on in the control building. The day was mostly overcast, but I did not observe any discharge from the scrubber stack. I spent about 10-15 minutes outside the facility and did not notice any objectionable odors --- which were present when I visited the facility while it was operating. I observed and photographed nine (approx) 8000 - 10,000 gal tankers parked in the bermed parking area to the north of Tanks 3 and 4. There was no evidence of spillage. A small (approx 3000 - 5000 gal) tanker truck was parked along the Military Ave fenceline just to the north of the control building. I was not able to tell if the truck had been there for any length of time. There were no fresh tire tracks behind the truck, however. A tanker was left parked at one of the unloading bays to the north of the process bldg. I did not observe any hose connections in place. From all appearances, I would say the facility is inactive.



Professional Corporation  
Attorneys and Counsellors  
at Law

505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

(248) 901-4000  
Fax (248) 901-4040  
www.plunkettlaw.com

November 23, 1998

Mr. Bryan Holtrop  
Enforcement & Compliance Assurance Branch (DRE-9J)  
United States Environmental Protection Agency  
Region 5  
77 W. Jackson Blvd.  
Chicago, Illinois 60604-3590

**Re: Complaint and Compliance Order  
Sybill, Incorporated  
EPA I.D. No.: MIR000 022 400  
Complaint No.: 5-RCRA-011-98**

Dear Mr. Holtrop:

Pursuant to the United States Environmental Protection Agency's Complaint and Compliance Order No. 5-RCRA-011-98 filed against respondent Sybill, Incorporated on September 24, 1998, we hereby request an informal settlement conference to discuss the facts of this case and arrive at a possible settlement. We hereby request that if such a settlement conference cannot be held before December 15, 1998, that it be held no earlier than January 10, 1999 to avoid conflicts with the holiday schedules.

If you have any questions, please feel free to contact me at the number below.

Best regards,

Richard D. Connors  
Direct Dial: (248) 901-4050

RDC:ae

cc: Mr. Bill Madias  
Mr. Gary D. Berndt, CHMM  
Mr. Tom Turner  
Ms. Joanne Merrick

05455.20623.185210



Professional Corporation  
Attorneys and Counsellors  
at Law

505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

(248) 901-4000  
Fax (248) 901-4040  
www.plunkettlaw.com

November 23, 1998

Regional Hearing Clerk, (R-19J)  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Blvd.  
Chicago, Illinois 60604-3590

**Re: Complaint and Compliance Order  
Sybill, Incorporated  
EPA I.D. No.: MIR000 022 400  
Complaint No.: 5-RCRA-011-98**

Dear Sir/Madam:

Pursuant to the U.S. Environmental Protection Agency's Complaint and Compliance Order No. 5-RCRA-011-98, dated September 24, 1998, respondent Sybill, Incorporated hereby requests a hearing in accordance with the Administrative Procedure Act (the "APA"), 5 U.S.C. §§551 et. seq.

Please provide me with copies of any written rules or procedures under which such a hearing will be conducted. In addition, please notify me directly of any scheduled or proposed hearing dates.

If you have any questions, please feel free to contact me at the number below.

Best regards,

Richard D. Connors  
Direct Dial: (248) 901-4050

RDC:ae

cc: Mr. Bill Madias  
Mr. Gary D. Berndt, CHMM  
Mr. Tom Turner  
Mr. Bryan Holtrop  
Ms. Joanne Merrick

05455.20623.185195



Professional Corporation  
Attorneys and Counsellors  
at Law

505 North Woodward  
Suite 3000  
Bloomfield Hills, MI 48304

(248) 901-4000  
Fax (248) 901-4040  
www.plunkettlaw.com

November 23, 1998

Regional Hearing Clerk, (R-19J)  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

**Re: Complaint and Compliance Order  
Sybill, Incorporated  
EPA I.D. No.: MIR000 022 400  
Complaint No.: 5-RCRA-011-98**

Dear Sir/Madam:

Enclosed herein please find the Answer to Complaint, Request for Hearing, Affirmative Defenses, and Proof of Service for Respondent Sybill, Incorporated.

If you have any questions, please feel free to contact me at the number below.

Best regards,

Richard D. Connors  
Direct Dial: (248) 901-4050

RDC:ae

Enclosures

cc: Mr. Bill Madias  
Mr. Gary D. Berndt, CHMM  
Mr. Tom Turner  
Mr. Bryan Holtrop  
Ms. Joanne Merrick

05455.20623.185202

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V**

IN RE:	)	
	)	DOCKET NO. 5-RCRA-011-98
SYBILL, INCORPORATED	)	
111 MILITARY AVENUE	)	
DETROIT, Michigan 48209	)	
	)	
U.S. EPA ID No. MIR 000 022 400	)	
	)	
<u>Respondent</u>	)	

**RESPONDENT SYBILL, INC.'S ANSWER  
AND AFFIRMATIVE DEFENSES TO COMPLAINT,  
COMPLIANCE ORDER, and  
NOTICE OF OPPORTUNITY FOR HEARING**

NOW COMES, Respondent **SYBIL, INCORPORATED** ("Sybill"), by and through its attorneys, Plunkett & Cooney, P.C., and in Answer to the **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S** ("EPA") Complaint, Compliance Order, and Notice of Opportunity For Hearing, dated September 24, 1998, states as follows:

**I  
GENERAL ALLEGATIONS**

1. Paragraph 1 of the Complaint is a statement of law or legal conclusion and as such requires no response.
2. Paragraph 2 of the Complaint is a statement of law or legal conclusion and as such requires no response.
3. Paragraph 3 is admitted.
4. Paragraph 4 is denied for the reason that it is untrue. Respondent Sybill never intended to transport, receive, or treat hazardous waste at the facility located at 111

Military Avenue, Detroit, Michigan, and as such never fit within the definition of "person" as defined at Section 1004(15) of RCRA, 42 U.S.C. §6903(15).

5. Paragraph 5 is admitted.

6. Paragraph 6 of the Complaint is a statement of law or legal conclusion and as such requires no response. To the extent that Paragraph 6 contains allegations of fact, Respondent is without sufficient information to form a belief as to the truthfulness of the allegations, and therefore leaves EPA to their proofs.

7. Paragraph 7 of the Complaint is a statement of law or legal conclusion and as such requires no response. To the extent that Paragraph 7 contains allegations of fact, Respondent is without sufficient information to form a belief as to the truthfulness of the allegations, and therefore leaves EPA to their proofs.

8. Paragraph 8 of the Complaint is a statement of law or legal conclusion and as such requires no response.

9. Paragraph 9 of the Complaint is a statement of law or legal conclusion and as such requires no response. To the extent that Paragraph 9 contains allegations of fact, Respondent is without sufficient information to form a belief as to the truthfulness of the allegations, and therefore leaves EPA to their proofs.

10. Paragraph 10 of the Complaint is a statement of law or legal conclusion and as such requires no response. To the extent that Paragraph 10 contains allegations of fact, Respondent is without sufficient information to form a belief as to the truthfulness of the allegations, and therefore leaves EPA to their proofs.

11. Paragraph 11 of the Complaint is a statement of law or legal conclusion and as such requires no response. To the extent that Paragraph 11 contains allegations of fact, Respondent is without sufficient information to form a belief as to the truthfulness of the allegations, and therefore leaves EPA to their proofs.

12. Paragraph 12 of the Complaint is a statement of law or legal conclusion and as such requires no response. To the extent that Paragraph 12 contains allegations of fact, Respondent is without sufficient information to form a belief as to the truthfulness of the allegations, and therefore leaves EPA to their proofs.

13. To the extent that Paragraph 12 contains allegations of fact, Respondent is without sufficient information to form a belief as to the truthfulness of the allegations, and therefore leaves EPA to their proofs.

14. Respondent admits that EPA sent an information request to Respondent on or about September 18, 1995 requesting information regarding used oil management activities. The remainder of paragraph 14 of the Complaint contains statements of law or legal conclusion and as such requires no response.

15. Respondent admits that it submitted a written letter, dated October 20, 1995, to EPA's September 18, 1995 request.

16. Paragraph 16 of the Complaint is a statement of law or legal conclusion and as such requires no response.

17. Respondent admits that EPA's September 18, 1995 information request requested a detailed description of the used oil operations carried out by the Respondent. Respondent further admits that its October 20, 1995 written letter contained a

marketing brochure. To the extent that the remainder of paragraph 17 of the Complaint contains allegations of fact concerning documents supplied, Respondent answers that the documents speak for themselves and to the extent that paragraph 17 contains allegations characterizing the documents supplied, Respondent leaves EPA to its proofs.

18. Respondent Sybill admits that EPA's information request of September 18, 1995 requested documents for all shipments of used oil accepted by Respondent Sybill. Respondent further admits that Sybill's response of October 20, 1995 provided a limited sampling of manifests in accordance with a verbal agreement between EPA and Sybill to limit the response to a limited sampling of manifests during the years 1992 through 1995. To the extent that the remainder of paragraph 18 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

19. Respondent Sybill admits that EPA's information request of September 18, 1995 requested documentation for all shipments of used oil accepted by Respondent for processing and/or re-refining since September 10, 1992, and shipped to a used oil burner, processor/re-refiner, or disposal facility. Respondent Sybill answers further that its response of October 20, 1995 contained statements that are now the subject of this enforcement action and as such are in dispute. To the extent that the remainder of paragraph 19 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to

the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

20. Respondent Sybill admits that EPA's September 18, 1995 information request requested information about the analyses and ultimate disposition of certain used oil fuel shipments referred to in documents discovered during the March 2, 1995, EPA inspection. Respondent Sybill answers further that its response of October 20, 1995 contained statements that are now the subject of this enforcement action and as such are in dispute. To the extent that the remainder of paragraph 20 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

21. Respondent Sybill admits that EPA's September 18, 1995 information request requested documentation for each shipment of off-specification used oil fuel sent to a burner since September 10, 1992. Respondent Sybill answers further that its response of October 20, 1995 contained statements that are now the subject of this enforcement action and as such are in dispute. To the extent that the remainder of paragraph 21 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

22. Respondent Sybill admits that it submitted a Notification Of Regulated Waste Activity form to the State of Michigan Department of Environmental Quality, on or

about March 18, 1997. Respondent Sybill answers further that the Notification of regulated Waste Activity contained statements that are now the subject of this enforcement action and as such are in dispute. To the extent that the remainder of paragraph 22 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

23. Respondent Sybill admits.

24. Paragraph 24 of the Complaint contains allegations of fact and characterizations of verbal communications; Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

25. Denied.

#### **COUNT ONE - FAILURE TO NOTIFY**

26. Respondent Sybill's answers to paragraphs 1 through 25 of the Complaint are incorporated herein by reference as though set forth here in full.

27. Paragraph 27 of the Complaint is a statement of law or legal conclusion and as such requires no response.

28. Paragraph 28 of the Complaint contains allegations of fact and characterizations of verbal and written communications; Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

29. Paragraph 29 of the Complaint is a statement of law or legal conclusion and as such requires no response.

**COUNT TWO – STORAGE AND TREATMENT WITHOUT PERMIT**

30. Respondent Sybill's answers to paragraphs 1 through 29 of the Complaint are incorporated herein by reference as though set forth here in full.

31. Paragraph 31 of the Complaint is a statement of law or legal conclusion and as such requires no response.

32. Paragraph 32 of the Complaint is a statement of law or legal conclusion and as such requires no response.

33. Respondent Sybill admits that EPA's information request of September 18, 1995 requested documents for all shipments of used oil accepted by Sybill for processing and/or re-refining since September 10, 1992. Respondent further admits that Sybill's response of October 20, 1995 provided a limited sampling of manifests in accordance with a verbal agreement between EPA and Sybill to limit the response to a limited sampling of manifests during the years 1992 through 1995. To the extent that the remainder of paragraph 33 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

34. Respondent Sybill admits that its October 20, 1995 response to EPA's information request included manifests and accompanying analytical results for used oil supposedly from shipments accepted by Respondent from the Rouge Steel Company. However, the

remainder of the allegations contained in paragraph 34 of the Complaint are denied because they are untrue. Information received subsequently from Rouge Steel Company indicates that the April 12, 1993 sample, and the analysis used to prepare a waste characterization, was in error and not representative of the waste destined for the Sybill facility. A subsequent sample taken by Rouge Steel Company on July 2, 1993, and that analysis showed no detectable Chlordane or Heptachlor. According to Rouge Steel Company, the April 12, 1993 sample analysis was in error and should have been purged from the file, however, because it was not purged, a student intern mistakenly used it to support the waste characterization sent to Sybil in 1995. A copy of the April 28, 1998 letter from D.S. Windeler, Manager Environmental Engineering, Rouge Steel Company is attached as EXHIBIT 1.

35. The allegations contained in paragraph 35 of the Complaint are denied because they are untrue. Information received subsequently from Rouge Steel Company indicates that the April 12, 1993 sample, and the analysis used to prepare a waste characterization, was in error and not representative of the waste destined for the Sybill facility. A subsequent sample taken by Rouge Steel Company on July 2, 1993, and that analysis showed no detectable Chlordane or Heptachlor. According to Rouge Steel Company, the April 12, 1993 sample analysis was in error and should have been purged from the file, however, because it was not purged, a student intern mistakenly used it to support the waste characterization sent to Sybil in 1995. A copy of the April 28, 1998 letter from D.S. Windeler, Manager Environmental Engineering, Rouge Steel Company is attached as EXHIBIT 1.

36. Denied.

37. Paragraph 37 of the Complaint is a statement of law or legal conclusion and as such requires no response.

38. Respondent Sybill admits that it submitted analytical results to the EPA on or about May 19, 1998, for analytical dated October 25, 1995. To the extent that the remainder of paragraph 38 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

39. Respondent Sybill admits that it submitted analytical results to the EPA on or about May 22, 1998, for analytical dated July 24, 1997, October 7, 1997, and January 15, 1998. To the extent that the remainder of paragraph 39 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

40. Respondent Sybill admits that it submitted analytical results to the EPA on or about June 8, 1998, for analytical dated August 12, 1996 and April 10, 1997. To the extent that the remainder of paragraph 40 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

41. Respondent Sybill denies the allegation contained in paragraph 41 of the Complaint for the reason that they are not true.

42. Respondent Sybill denies the allegation contained in paragraph 42 of the Complaint for the reason that they are not true.

43. Respondent Sybill denies the allegation contained in paragraph 43 of the Complaint for the reason that they are not true.

**COUNT III – TRANSPORTING WITHOUT IDENTIFICATION NUMBER**

44. Respondent Sybill's answers to paragraphs 1 through 43 of the Complaint are incorporated herein by reference as though set forth here in full.

45. Paragraph 45 of the Complaint is a statement of law or legal conclusion and as such requires no response.

46. Respondent Sybill admits that EPA's information request of September 18, 1995, requested documentation for all shipments for which the Respondent acted as a transporter since September 10, 1992. To the extent that the remainder of paragraph 46 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

47. To the extent that paragraph 47 of the Complaint contains allegations of fact or characterizations of documents, Respondent Sybill is without sufficient information to form a belief as to the truthfulness of the allegations or characterizations, and therefore leaves EPA to its proofs.

48. Respondent Sybill denies the allegation contained in paragraph 48 of the Complaint for the reason that they are not true.

49. Paragraph 49 of the Complaint is a statement of law or legal conclusion and as such requires no response.

## II

### COMPLIANCE ORDER

Respondent Sybill has taken steps to comply with all of the requirements of the Compliance Order, as modified by mutual agreement.

## III

### PROPOSED CIVIL PENALTY

Respondent Sybill contests the appropriateness of the proposed civil penalty of EIGHT HUNDRED SIXTY FOUR THOUSAND SEVEN HUNDRED SEVENTY THREE DOLLARS (\$864,773) pursuant to Section 3008(c) and 3008(g) of RCRA, 42 U.S.C. § 6928 for the violations alleged in this Complaint. Respondent Sybill contests the facts alleged above in this Complaint. Respondent Sybill further questions the process used by the EPA to consider the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and the ability of the Respondent Sybill, to pay penalties.

## IV

### RESPONDENT SYBILL REQUESTS A HEARING

In accordance with the Administrative Procedure Act (the APA), 5 U.S.C. §§ 551 et seq., Respondent Sybill hereby requests a hearing to contest material facts contained

in this Complaint and Compliance Order, and/or to contest the appropriateness of the proposed compliance schedule or amount of the penalty. Respondent Sybill understands that the hearing will be held and conducted in accordance with the provisions of the APA, 5 U.S.C. §§ 551 et seq., and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 CFR Part 22.

## V

### **SETTLEMENT CONFERENCE**

Respondent Sybill, hereby respectfully requests an informal conference in order to discuss the facts of this case and to arrive at a settlement. Respondent Sybill, requests that if an informal settlement conference cannot take place before December 15, 1998, that it then be held after January 10, 1999.

### **AFFIRMATIVE DEFENSES**

1. Respondent Sybill did not accept or handle hazardous waste from Rouge Steel Company. Testimony and documentation from Rouge Steel Company will show that all used oil received by Respondent Sybill, from Rouge Steel Company, from 1992 to present was non-hazardous.
2. Respondent Sybill did not fail to notify EPA, or the State of Michigan, of regulated used oil marketing activities.
3. Respondent Sybill did not fail to comply with the federal regulations regarding the need for a U.S. EPA identification number for the transportation of hazardous waste.
4. The Complaint fails to state a claim on which relief can be granted.

5. The claims are barred by the applicable Statute of Limitations.

Date: November 23, 1998

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard D. Connors", is written over a horizontal line.

**RICHARD D. CONNORS (P 40749)**

Plunkett & Cooney, P.C.

Attorneys for Respondent Sybill

505 N. Woodward Ave., Suite 3000

Bloomfield Hills, MI 48304

Phone: (248) 901-4050

Fax: (248) 901-4040

05455.20623.185032

1

CONFIDENTIAL



3001 Miller Road  
P. O. Box 1699  
Dearborn, Michigan 48121-1699

April 28, 1998

Mr. Gary Berndt, Compliance Officer  
SRS Environmental  
111 Military  
Detroit MI 48209

Subject: Questions on April 12, 1993 analysis report for #7C Tandem Mill Oil

Dear Mr. Berndt:

It is my understanding that there is a question on the characterization of the #7 C Tandem Mill Oil waste stream from Rouge Steel, because the subject analysis report showed regulated levels of chlordane and heptachlor. To the best of our knowledge, this waste stream never has contained these substances. I have discussed the subject analysis report with the former Rouge Steel environmental engineer who handled the analysis. The environmental engineer was Fred Fung, who left Rouge Steel to work for another company in August 1993. Mr. Fung recalled the situation specifically because he was surprised that the analysis report indicated the presence of the two pesticides in the waste stream. Because this result was unexpected, he surveyed the operating areas and personnel to determine if there was any usage of pesticides or products which might contain pesticides. Finding no such usage, he had a second sample of the same waste stream analyzed by another lab. This sample showed no pesticides. Based on this analysis and his investigation, Mr. Fung concluded at that point that the original analysis was in error.

Our recent follow-up investigation verified that there was indeed a second analysis of the #7C Tandem Mill Oil waste stream, by Canton Analytical Laboratories, for a July 2, 1993 sample, and that analysis showed no detectable Chlordane or Heptachlor. (Copy enclosed.) However, the erroneous April 12, 1993 report was also found in the analysis file. That erroneous analysis was apparently used in 1995 by a student intern, who was working in the Rouge Steel Environmental Department, to prepare a waste characterization for waste destined for Sybill, Inc., now SRS Environmental. Based on our discussion with Mr. Fung, the April 12, 1993 analysis should not have been used for a waste characterization. However, Mr. Fung was no longer working at Rouge Steel and at that point had no involvement in preparing any Rouge Steel waste characterization. Consequently, the error went undetected by the Environmental Department. A formal procedure is being prepared by the Environmental Department to prevent recurrence of this type of situation.

The intern, who now works for another company, has no specific recollection of preparing the waste characterization sent to Sybill. A reasonable conclusion is that he assumed the analysis was valid because it was retained in file, and therefore sent a copy to Sybill with the waste characterization without a detailed review of the contents. We believe the analysis of the July 2,

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1993 sample was the appropriate analysis for the 1995 Waste Characterization and are providing a copy for your use.

Our further investigation has included interviews with the supplier of the product, and with Rouge personnel responsible for the operations generating the waste stream in 1995 and at present. Review of the MSDS for the oil shows no pesticide ingredients. The supplier of the Tandem Mill Oil (Henkel) reports that they have never used chlordane or heptachlor in their manufacturing operation and that no pesticides have been added to product supplied to Rouge Steel. The Rouge operating personnel report that no pesticides have been added to the Tandem Mill Oil or used in the operating area. Based on this information, we do not have reason to believe that chlordane or heptachlor were present in the waste stream.

It is likely that the pesticides were present at the laboratory analyzing the waste stream. Such pesticides may have been present as standards for purposes of calibration and quality assurance, or in samples from other sources. Thus, there may have been an opportunity for cross-contamination of samples during analysis in the laboratory, which suggests an explanation for the erroneous April 12, 1993 analysis report.

We also have conducted a recent analysis of the waste stream. The analysis report of the recent sample shows no detectable heptachlor or chlordane (report enclosed).

We believe that the results of our investigation of the history of the analyses and of the product and its usage provide a reasonable basis for our conclusion that the April 12, 1993 analysis report was in error, and that the #7C Tandem Mill Oil waste stream has not contained chlordane or heptachlor.

Please contact the undersigned at (313) 845-3217, if you have any questions or comments on this information.

Very truly yours,  
ROUGE STEEL COMPANY



D. S. Windeler  
Manager, Environmental Engineering

Enclosures

ENVIRONMENTAL CONTACT NOTE

**Date:** May 18, 1998

**Name:** Bryan Holtrop

**Copy:** D. T. Crosby, C. B. Johnson, M. Szymanski,  
T. Schnell (DK&W), G. Berndt (SRS)

**Organization:** US EPA

**Type of Contact:** Telephone call

**Telephone No.** (312) 392-5103

**Purpose of Contact:** To follow-up on the information Rouge Steel provided to SRS regarding the analyses of the tandem mill oil waste stream.

Holtrop asked if there were any interim analyses between the July 1993 analysis and the March 1998 analysis. I said that I had not found any so far, but am not certain that my search is complete.

Holtrop asked that we forward any we find to him.

Holtrop asked where the waste stream is generated and if it is mixed with any other oils. I said that I believe the waste stream is generated in one or two pits at the Tandem Mill and that other oils are not mixed with it before it is removed by the contractor, which is SRS.

Holtrop asked how long RSC has sent the material to Sybill, now SRS? I said that we had looked at the records readily available and not determined when we started using Sybill. They and one other contractor have handled the oily waste streams. Sybill/SRS has handled it in recent years and to go back further, we would have to look at the invoices, which would identify the material. I am not certain that the invoices are held more than two years.

Holtrop asked how long the process has been operated. I said the cold mill has been operated by Rouge Steel since 1989. I said that I believe that the same oil has been used for the entire period of operation.

Holtrop asked if the material hauled in 1992 was tandem mill oil. The description on the manifest is "(he read a generic description), and was given a code of 020L and 021L." I said that sounds like the State of Michigan generic code for waste oil, which would not distinguish between the tandem mill oil and e.g., hydraulic oil.

Holtrop asked what a total shipment of 30,000 gallons on August 2, 1992 might represent. I said I could not say, it would be speculation.

Holtrop thanked me for the response.


\* \* \*

CONFIDENTIAL

Holtrop called back and asked what percent oil might be in the waste stream. I asked Charles Johnson, and then told Holtrop "about 2%." I also said the oil was used on the tandem mill at between 5 and 10% in water.

**Recommendations:** None

**Actions Required:** Distribute this contact note.

By: D. S. Windeler 

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN RE:	)	
	)	DOCKET NO. 5-RCRA-011-98
SYBILL, INCORPORATED	)	
111 MILITARY AVENUE	)	
DETROIT, Michigan 48209	)	
	)	
U.S. EPA ID No. MIR 000 022 400	)	
	)	
<u>Respondent</u>	)	

PROOF OF SERVICE

I, Andrea Edwards, state that on the 23<sup>rd</sup> day of November, 1998, I mailed a copy of Respondent Sybill, Inc.'s Answer and Affirmative Defenses to Complaint, Compliance Order, and Notice of Opportunity for Hearing to the following individuals:

Mr. Bill Madias  
SRS Environmental  
P.O. Box 5006  
Dearborn, Michigan 48128

Mr. Gary D. Berndt, CHMM  
Compliance Officer  
Sybill, Incorporated d/b/a  
SRS Environmental  
111 Military  
Detroit, MI 48209-4102

Mr. Bryan Holtrop  
Enforcement & Compliance Assurance Branch (DRE-9J)  
United States Environmental Protection Agency  
Region 5  
77 W. Jackson Blvd.  
Chicago, Illinois 60604-3590

Ms. Joanne Merrick  
Michigan department of Environmental Quality  
Waste Management Division  
P.O. Box 30241  
Lansing, Michigan 48909-7741

via first class United States mail with sufficient postage affixed thereto, and via facsimile and UPS Next Day Air to:

Mr. Tom Turner  
Office of Regional Counsel (C-14J)  
77 West Jackson Blvd.  
Chicago, Illinois 60604 Fax: 312-886-0747

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in cursive script, reading "Andrea Edwards", written over a horizontal line.

Andrea Edwards  
PLUNKETT & COONEY, P.C.  
505 N. Woodward, Ste. 3000  
Bloomfield Hills, Michigan 48304  
(248) 901-4058

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Vasilios C. Madias  
Registered Agent for  
Sybill, Incorporated  
111 Military Ave  
Detroit, MI 48209

4a. Article Number

P-140-783-936

4b. Service Type

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



Gary Berndt 313-841-6445 Plant  
313-363-5186 Cell Phone  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 24 1998

REPLY TO THE ATTENTION OF:

DE-9J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Vasilios C. Madias  
Registered Agent for  
Sybill, Incorporated  
111 Military Avenue  
Detroit, Michigan 48209

**Re: Complaint and Compliance Order**  
**Sybill Incorporated**  
**EPA I.D. No.: MIR 000 022 400**  
**5-RCRA-011-\***

Dear Mr. Madias:

Enclosed please find a Complaint and Compliance Order which sets forth the Agency's determination of certain violations of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §§ 6901 et seq., by Sybill, Incorporated, 111 Military Avenue, Detroit, Michigan 48209 (the Facility). The Agency's determination is based on information collected during an inspection conducted by the United States Environmental Protection Agency (U.S. EPA) on March 2, 1995, at the Facility and information provided by the Facility in a response, dated October 20, 1995, to U.S. EPA's September 18, 1995, Section 3007 Information Request and in a series of supplemental documents submitted in 1998. The allegations in the enclosed Complaint state the reasons for such a determination. In essence, the Facility violated regulations applicable to marketers of used oil fuel, operators of hazardous waste treatment, storage and disposal facilities, and transporters of hazardous waste.


Accompanying this Complaint is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed within thirty (30) days of the date this Complaint has been filed with the Regional Hearing Clerk. The request for a hearing must be filed with the Regional Hearing Clerk (R-19J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of your request should also be sent to Tom Turner, Office of Regional Counsel (C-14J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

Regardless of whether you choose to request a hearing within the prescribed time limit following the filing of this Complaint, you are extended an opportunity to request an informal settlement conference. Topics for discussion at the settlement conference may include the establishment of a compliance schedule or the mitigation of the proposed penalty in accordance with the Agency policy on supplemental environmental projects. A request for an informal settlement conference with U.S. EPA will not affect or extend the thirty (30) day deadline to file an Answer in order to avoid a Finding of Default on the Complaint.

On March 6, 1998, U.S. EPA notified you by letter of your opportunity to "advise the U.S. EPA of any factors you believe that the U.S. EPA should consider before issuing the complaint," including "any evidence of reliance upon on-site compliance assistance provided by the U.S. EPA or State agencies exercising delegated authority, misidentification of the proper party, or financial factors bearing on your ability to pay a civil penalty." Sybill, Inc. did not submit a relevant response to the March 6, 1998, Pre-Filing Notice Letter.

If you are aware of facts or circumstances not apparent to the U.S. EPA which suggest that the proposed penalty is legally excessive or that you are financially unable to pay the penalty, and if you have any questions or desire to request an informal conference for the purpose of conducting settlement discussions with Waste, Pesticides and Toxics Division staff, please contact Bryan Holtrop, United States Environmental Protection Agency, RCRA Enforcement Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604. His phone number is (312)353-5103.

Sincerely yours,



Joseph M. Boyle, Chief  
Enforcement and Compliance Assurance Branch  
Waste, Pesticides and Toxics Division

Enclosure

cc: Gary Berndt, Sybill  
Joann Merrick, MDEQ (w/enclosure)  
Jeanette Noechel, MDEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN RE: )  
SYBILL, INCORPORATED )  
111 MILITARY AVENUE )  
DETROIT, MICHIGAN 48209. )  
U.S. EPA ID No. MIR 000 022 400 )  
Respondent )

DOCKET NO. 5-RCRA-011-'98

COMPLAINT, COMPLIANCE ORDER,  
and  
NOTICE OF OPPORTUNITY FOR HEARING

I  
COMPLAINT

GENERAL ALLEGATIONS

US ENVIRONMENTAL  
PROTECTION AGENCY  
REGION V

'98 SEP 24 P 3:32

RECEIVED  
REGIONAL HEARING  
CLERK

1. This is a civil administrative action instituted pursuant to Section 3008(a)(1) of the Solid Waste Disposal Act, also known as the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. §6928(a)(1), and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR §§22.01(a)(4), 22.13 and 22.37(1996).

2. The Complainant is, by lawful delegation, Chief of the Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, United States Environmental Protection Agency (U.S. EPA).

3. The Respondent is Sybill, Incorporated (the "Respondent"), which is and was at all times relevant to this Complaint, the owner and operator of a facility located at 111 Military Avenue, Detroit, Michigan, 48209-4102 (the "Facility").

4. Respondent is a "person" as defined at Section 1004(15) of RCRA, 42 U.S.C. §6903(15), and Michigan Administrative Code (MAC)R 299.9106(i) and is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§6921-6939, and the analogous Michigan regulations as part of the applicable State hazardous waste management program for the State of Michigan.

5. Respondent is a Michigan corporation whose registered agent is Mr. Vasilios C. Madias, 4440 Wyoming, Dearborn, Michigan, 48126.

6. The State of Michigan is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under subtitle C of RCRA, 42 U.S.C. §6921 et seq., subject to the Hazardous and Solid Waste Amendments (HSWA) (Pub. L. 98-616, November 8, 1984), 42 U.S.C. §6926(c) and (g). The regulations comprising the applicable State hazardous waste management program for the State of Michigan were incorporated by reference into Federal law at 40 CFR § 272.1151(a). The State's program, as administered by the Michigan Department of Environmental Quality (MDEQ), was approved by the U.S. EPA pursuant to 42 U.S.C. § 6926(b) and 40 CFR Part 271. The predecessor agency to the MDEQ was the Michigan Department of Natural Resources (MDNR). The U.S. EPA's approval of Michigan's base program was effective on October 30, 1986. See 51 Federal Register (FR) 36804 (1986). Even though the MDEQ has primary responsibility for enforcing its hazardous waste program, the U.S. EPA retains the authority to exercise its enforcement

authorities under Sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. §§ 6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations. See 40 CFR 272.1150(c) (1996).

7. The requirements of the authorized State program are found in Michigan Compiled Laws Annotated, §§299.501-506, 299.521-522, 299.532-535, 299.537, and 299.539-541. See 40 CFR §272.1151(a)(1)(ii) for Michigan Administrative Code Rules.

8. Any violation of regulations promulgated pursuant to Subtitle C, Sections 3001-3019 of RCRA, 42 U.S.C. §§6921-6939, or any State provision approved pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, constitutes a violation of RCRA, subject to the assessment of civil or criminal penalties and compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

9. On September 10, 1992 the regulations for management of used oil burned for energy recovery at 40 CFR Part 266 Subpart E, were incorporated and became enforceable in the used oil management standards at 40 CFR Part 279 Subparts G and H. See, 58 FR 26420 (May 3, 1993).

10. Pursuant to the final rule at 58 FR 26420 - 26426, dated May 3, 1993, and codified at 40 CFR 271.26, the regulations at 40 CFR Part 279, Subparts G and H, are federally enforceable in States that have not yet adopted equivalent requirements to the previous Part 266, Subpart E requirements and received authorization from U.S. EPA to implement and enforce those requirements, effective March 8, 1993. Prior to the effective date of 40 CFR Part 279, the used oil burning requirements

originally promulgated in 1985 and codified at 40 CFR Part 266, Subpart E were federally enforceable in all States which were not yet authorized for the previous Part 266, Subpart E regulations.

11. Pursuant to 61 FR 4742, dated February 8, 1996, the State of Michigan received Federal authorization for its requirements equivalent to 40 CFR 266, Subpart E at MAC R 299.9805, 299.9806, and 299.9807, effective April 8, 1996.

12. The State of Michigan's requirements equivalent to 40 CFR 279, Standards for the Management of Used Oil became effective on October 15, 1996. Federal authorization to enforce these requirements in lieu of the U.S. EPA has not yet been granted.

13. On March 2, 1995, a representative of U.S. EPA conducted a RCRA used oil inspection of the Facility to determine its compliance with the applicable State and Federal used oil management requirements and the observations of that inspection were recorded in a report, dated June 6, 1995.

14. On September 18, 1995, U.S. EPA sent an information request to Respondent pursuant to its authority under Section 3007 of RCRA, as amended, 42 U.S.C. §6927, requesting information regarding Respondent's used oil management activities.

15. Respondent submitted a response, dated October 20, 1995, to U.S. EPA's September 18, 1995, Section 3007 Information Request.

16. Pursuant to 40 CFR §266.43(a) (before March 8, 1993), 40 CFR §279.70(a) (2) (on or after March 8, 1993 to April 7, 1996),

MAC R 299.9806(1) (on or after April 8, 1996), any person who first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 40 CFR 279.11 and its State equivalent, is subject to the standards for used oil fuel marketers.

17. Paragraph 1, Section III of U.S. EPA's September 18, 1995, Section 3007 Information Request requested a detailed description of the used oil operations carried out by the Respondent. Respondent's October 20, 1995, response provided a marketing brochure that describes the Facility's general operations. The brochure states that the Facility accepts spent coolants and oils for treatment, processing, disposal, and recycling; reclaims for sale, oils which meet "on-spec" fuel guidelines; and combines the treatment process and the reclamation of usable fuel (oil) and/or lube stock to provide generators a disposal solution.

18. Paragraph 5, Section III of U.S. EPA's September 18, 1995, Section 3007 Information Request requested documentation for all shipments of used oil accepted by Respondent for processing and/or re-refining. Respondent's October 20, 1995, response provided a limited sampling of manifests representing the used oil accepted during the years 1992 through 1995. These manifests showed that the Respondent had accepted used oil for processing and/or refining from various industrial facilities including large quantity hazardous waste generators since on or about September 1992. The predominant source of used oil accepted

by the Respondent was from Rouge Steel Company, 3001 Miller Road, Dearborn, Michigan, 48121 (MID 087 738 431).

19. Paragraph 6, Section III of U.S. EPA's September 18, 1995, Section 3007 Information Request requested documentation for all shipments of used oil accepted by Respondent for processing and/or re-refining since September 10, 1992, and shipped to a used oil burner, processor/re-refiner, or disposal facility. Respondent's October 20, 1995, response stated that, "Oil shipped out-bound to various clients (On "Spec" Materials - Non Hazardous) are used in the following ways: A. burn stock; B. lube stock; C. .processor/re-refiner".

20. Paragraph 10, Section III of U.S. EPA's September 18, 1995, Section 3007 Information Request requested information about the analyses and ultimate disposition of certain used oil fuel shipments referred to in documents discovered during the March 2, 1995, U.S. EPA inspection. Respondent's October 20, 1995, response indicated that the Respondent made the following shipments of used oil that were to be burned for energy recovery and met the used oil fuel specification listed in 40 CFR 279.11, Table 1 (or otherwise referred to as on-specification used oil fuel):

a. Bill of lading (No. 14312), dated January 18, 1995, for 6,443 gallons of on-specification used oil fuel shipped to Michigan Marine Terminals, U.S. EPA ID Number MID 981 192 347.

b. Bill of lading, dated February 14, 1995, for 8,500 gallons on-specification used oil fuel shipped to Michigan Marine

Terminals, U.S. EPA ID Number MID 981 192 347.

c. Bill of lading, dated April 27, 1995, for 5,500 gallons of on-specification used oil fuel shipped to Warner Petroleum, 2480 S. Clare Ave., Clare, Michigan, 48617.

21. Paragraph 6, Section III of U.S. EPA's September 18, 1995, Section 3007 Information Request requested documentation for each shipment of off-specification used oil fuel sent to a burner since September 10, 1992. Respondent's October 20, 1995, response stated that the Facility has made "No known shipment of off-specification oils."

22. Respondent filed a Notification of Hazardous Waste Activity with the State of Michigan pursuant to Section 3010 of RCRA on March 18, 1997. Respondent indicated in the Notification that it performs the following used oil activities:

- a. used oil fuel marketer who first claims that the used oil meets the specifications;
- b. used oil transporter and transfer facility; and
- c. used oil processor.

23. On March 6, 1998, U.S. EPA issued a Pre-Filing Notice Letter to Respondent, advising Respondent of the possibility of a civil administrative action, and offering Respondent the opportunity to advise U.S. EPA of any other factors to consider in this matter.

24. On June 5, 1998, in a telephone conversation with the Respondent's representative, Mr. Gary Berndt, Sybill's Compliance Officer, Mr. Berndt explained to Mr. Bryan Holtrop of the U.S.

EPA that the Respondent has been accepting and processing used oil since at least on or about September 1992. However, Mr. Berndt added that it wasn't until January 1995 that the Respondent began to actually ship off-site on-specification used oil fuel that was to be burned for energy recovery. During the time period from September 1992 to January 1995, the Respondent stated that the on-specification used oil fuel it derived from the used oil it accepted was accumulated and stored on-site.

25. Based on the information collected during the U.S. EPA's March 2, 1995, inspection, Respondent's October 20, 1995, response to U.S. EPA's Section 3007 Information Request, and Respondent's supplemental information submittals, Respondent has been a marketer of on-specification used oil fuel, as defined at 40 CFR Part 266.43, 40 CFR Part 279.70(a)(2), MAC R 299.9806(1), since at least September 1992.

**COUNT ONE - FAILURE TO NOTIFY**

26. The general allegations of the Complaint are incorporated by reference as though set forth here in full.

27. Pursuant to 40 CFR Part 266.43(b)(3) (before March 8, 1993), 40 CFR Part 279.73(a) (on or after March 8, 1993 to April 7, 1996) and MAC R 299.9806(2)(c) (on or after April 8, 1996) a used oil fuel marketer subject to these requirements must notify the Regional Administrator of its used oil activities and obtain an EPA identification number.

28. Based on information collected during the March 2, 1995, inspection, Respondent's October 20, 1995, response to U.S. EPA's

Section 3007 Information Request, Respondent's supplemental information submittals and a review of U.S. EPA files, Respondent did not notify U.S. EPA of the Facility's used oil marketing activities and obtain a U.S. EPA identification number during the period between September 1992, through March 18, 1997.

29. Respondent's failure to notify U.S. EPA or the State of Michigan of the Facility's used oil marketing activities from on or around September 1992 through March 18, 1997, and obtain an U.S. EPA identification number is a violation of 40 CFR Part 266.43(b)(3) (before March 8, 1993), 40 CFR Part 279.73(a) (from on or after March 8, 1993, to April 7, 1996), and MAC R 299.9806(2)(c) (from on or after April 8, 1996).

**COUNT TWO - STORAGE AND TREATMENT WITHOUT PERMIT**

30. Paragraphs 1 through 29 are incorporated by reference as though set forth here in full.

31. Pursuant to MAC 299.9502(1) (40 CFR §270.1(c)) a permit is required for the treatment, storage, and disposal of any hazardous waste. Owners and operators of hazardous waste management units shall have permits during the active life of the unit.

32. Pursuant to 40 CFR Part 279.10(b)(2), mixtures of used oil and characteristic hazardous waste are subject to regulation as hazardous waste rather than as used oil under this part, if the resultant mixture exhibits any characteristics of hazardous waste identified in Subpart C of 40 CFR Part 261.

33. Paragraph 5, Section III of U.S. EPA's September 18,

1995, Section 3007 Information Request requested documentation for all shipments of used oil accepted by Sybill for processing and/or re-refining since September 10, 1992. Respondent's October 20, 1995, response provided a limited sampling of manifests representing the used oil shipments accepted for the years 1992 through 1995. These manifests showed that the Respondent has accepted and processed used oil shipments from the Rouge Steel Company, 3001 Miller Road, Dearborn, Michigan, 48121, on a continual basis since on or about August 1992. In addition, the manifests showed that the predominant source of used oil accepted by the Respondent is from the Rouge Steel Company.

34. Respondent's October 20, 1995, response to U.S. EPA's September 18, 1995, Section 3007 Information Request included manifests and accompanying analytical results for used oil shipments accepted by the Respondent from the Rouge Steel Company. Analytical results, dated April 12, 1993, relied upon by the Respondent as a representative analysis of the continual shipments of used oil being accepted from the Rouge Steel Company showed that the used oil contained chlordane and heptachlor in concentrations of 2.30 milligrams per liter (mg/l) and 0.02 mg/l, respectively. These concentrations exceeded the maximum concentration of contaminants for the toxicity characteristic for chlordane (U.S. EPA Waste Code D020) at 0.03 mg/l, and heptachlor (U.S. EPA Waste Code D031) at 0.008 mg/l, respectively. Therefore, the used oil mixture accepted from the Rouge Steel Company exhibited the toxicity characteristic causing it to be

regulated as a hazardous waste under Subpart C of 40 CFR Part 261.

35. On April 29, 1998, Respondent submitted additional analytical results documenting the toxicity characteristics of the used oil it accepted from the Rouge Steel Company. Analytical results, dated July 2, 1993 and March 20, 1998, relied upon by the Respondent as a representative analysis of the continual shipments of used oil being accepted from the Rouge Steel Company showed no exceedances of the maximum concentration of contaminants for the toxicity characteristic for chlordane (U.S. EPA Waste Code D020) and heptachlor (U.S. EPA Waste Code D031). Therefore, the used oil mixture accepted from the Rouge Steel Company exhibited the toxicity characteristic for chlordane and heptachlor causing it to be regulated as a hazardous waste under Subpart C of 40 CFR Part 261 from at least April 12, 1993 through July 2, 1993.

36. On April 29, 1998, Respondent submitted analytical results documenting the toxicity characteristics of the used oil it accepted from the Rouge Steel Company. Analytical results, dated July 2, 1993, relied upon by the Respondent as a representative analysis of the continual shipments of used oil being accepted by the Respondent from the Rouge Steel Company showed that the used oil contained hexachlorobutadiene at a concentration of 0.89 mg/l. This concentration exceeded the maximum concentration of contaminants for the toxicity characteristic for hexachlorobutadiene (U.S. EPA Waste Code D033)

at 0.5 mg/l. The Respondent has failed to provide any other analysis or documentation to show that hexachlorobutadiene no longer exceeds the maximum concentration of contaminants for the toxicity characteristic for the used oil it accepts from the Rouge Steel Company. Therefore, the used oil accepted from the Rouge Steel Company exhibited the toxicity characteristic causing it to be regulated as hazardous waste under Subpart C of 40 CFR Part 261 from at least April 12, 1993 through the present time.

37. Pursuant to 40 CFR Part 279.10(b)(1)(ii) (before April 8, 1996) and MAC R 299.9805(2) (on and after April 8, 1996) used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of 40 CFR Part 261. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR Part 261).

38. On May 19, 1998, Respondent submitted analytical results documenting the total halogen content of the used oil treatment sludge derived from the used oil shipments it accepted. Analytical results, dated October 25, 1995, showed that the used oil treatment sludge contained 1012 ppm total halogens. However, the analytical results were not cross-referenced to any particular shipment or shipments of used oil accepted by the Respondent.

39. On May 22, 1998, Respondent submitted analytical results documenting the total halogen content of the processed used oil derived from the used oil shipments it accepted. Analytical results, dated July 24, 1997, October 7, 1997, and January 15, 1998, showed that the processed used oil contained 2750 ppm, 2975 ppm, and 2600 ppm total halogens, respectively. However, the analytical results were not cross-referenced to any particular shipment or shipments of used oil accepted by the Respondent.

40. On June 8, 1998, Respondent submitted analytical results documenting the total halogen content of the processed used oil derived from the used oil shipments it accepted. Analytical results, dated August 12, 1996 and April 10, 1997, showed that the processed used oil contained 3000 ppm and 2850 ppm total halogens, respectively. However, the analytical results were not cross-referenced to any particular shipment or shipments of used oil accepted by the Respondent.

41. Based on information collected during the March 2, 1995, inspection, Respondent's October 20, 1995, response to U.S. EPA's Section 3007 Information Request, Respondent's supplemental information submittals and a review of U.S. EPA files, Respondent failed to rebut the presumption that the used oil containing more than 1,000 ppm total halogens identified in paragraphs 38, 39, and 40 was mixed with hazardous waste as required by 40 CFR 279.10(b)(1)(ii). Specifically, the Respondent failed to provide the appropriate analysis of the used oil to show that it does not

contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR Part 261.

42. Based on information collected during the March 2, 1995, inspection, Respondent's October 20, 1995, response to U.S. EPA's Section 3007 Information Request, Respondent's supplemental information submittals and a review of U.S. EPA files, Respondent has been handling hazardous waste from at least April 12, 1993 through the present time.

43. Respondent's handling of characteristic hazardous waste from the Rouge Steel Company for used oil shipments associated with the analytical results identified in paragraphs 34 and 36 constituted storage and treatment of hazardous waste. In addition, Respondent's handling of halogenated hazardous waste (used oil containing more than 1,000 ppm total halogens) from various industrial sources for used oil shipments associated with the analytical results identified in paragraphs 38, 39, and 40 constituted storage and treatment of hazardous waste. This storage and treatment of hazardous waste at the Facility without a permit from at least April 12, 1993 through the present time, is a violation of MAC R 299.9502(1) (40 CFR § 270.1(c)).

**COUNT THREE - TRANSPORTING WITHOUT IDENTIFICATION NUMBER**

44. Paragraphs 1 through 43 are incorporated by reference as though set forth here in full.

45. Pursuant to MAC 299.9402 (40 CFR Part 263.11(a)) a transporter shall not transport hazardous wastes without having received an EPA identification number from the Regional

Administrator or Regional Administrator's designee.

46. Paragraph 4, Section III, of U.S. EPA's September 18, 1995, Section 3007 Information Request requested documentation for all shipments for which the Respondent acted as a transporter since September 10, 1992. Respondent's October 20, 1995, response to Paragraph 4, Section III of U.S. EPA's Section 3007 Information Request included a limited sampling of manifests representing the used oil shipment accepted for the years 1992 through 1995. These manifests showed that the Respondent has periodically transported shipments of used oil from various industrial sources to its Facility.

47. Respondent's October 20, 1995, response to Paragraph 4, Section III of U.S. EPA's Section 3007 Information Request included one Generator Waste Characterization Report, dated March 1, 1995. The report indicated that the Respondent transported used oil shipments from the Rouge Steel Company to its Facility. Analytical results, identified in Paragraphs 34 and 36, relied upon by the Respondent as representative analyses of the continual shipments of used oil being accepted by the Respondent from the Rouge Steel Company showed that the used oil contained contaminants that exceeded the toxicity characteristic causing it to be regulated as hazardous waste under Subpart C of 40 CFR Part 261.

48. Based on the information collected during the March 2, 1995, inspection, Respondent's October 20, 1995, response to EPA's Section 3007 Information Request, Respondent's supplemental

information submittals, and a review of U.S. EPA files, Respondent has transported hazardous waste and did not obtain an identification number from the U.S. EPA.

49. Respondent's failure to obtain a U.S. EPA identification number for the transportation of hazardous waste from the Rouge Steel Company to its Facility from at least March 1, 1995 through the present time, is a violation of MAC R 299.9402 (40 CFR 263.11(a)).

## II

### COMPLIANCE ORDER

Based on the foregoing findings and pursuant to the authority of Section 3008 of RCRA, 42 U.S.C. § 6928, IT IS HEREBY ORDERED THAT, IMMEDIATELY UPON THE EFFECTIVE DATE OF THIS ORDER:

A. Respondent shall, immediately upon the effective date of this Order, cease transportation, treatment, storage, or disposal of all hazardous waste except where such activities shall be in compliance with the applicable hazardous waste standards and regulations for hazardous waste transportation, treatment, storage, or disposal facilities.

B. Respondent shall, within thirty (30) days of the effective date of this Order, submit to U.S. EPA for review and approval a written waste management plan describing the management of all shipments of used oil accepted by and shipped from the Respondent's Facility. The waste management plan will describe the procedures that will be followed by the Respondent

to achieve and maintain compliance with the applicable requirements of MAC R 299.9806 (40 CFR Part 279, Subpart H), including a written analysis plan describing the procedures and methods that will be used to determine and demonstrate that used oil accepted meets the total halogen requirements under MAC R 299.9805(2) (40 CFR Part 279.10(b)(1)(ii)), and that the used oil fuel meets the specifications listed in MAC R 299.9805(1), (40 CFR 279.11).

C. Respondent shall, within 30 days of the U.S. EPA's review and approval of the Waste Management Plan specified above, revise and implement the plan as required by the U.S. EPA.

D. In addition to implementing the Waste Management Plan, all used oil marketing will be conducted pursuant to, and in compliance with the applicable requirements of MAC R 299.9806 (40 CFR 279, Subpart H, Standards for Used Oil Fuel Marketers).

E. Respondent shall immediately following the effective date of this Order, for a period of 90 consecutive days, perform an analysis or obtain analysis using an analytical method from the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, Edition III for each used oil shipment received by the Facility to determine compliance with MAC R 299.9805(2) [40 CFR 279.10(b)(1)(ii), rebuttable presumption for used oil containing more than 1000 ppm total halogens]. In addition, during that same 90-day period, any shipments received

from the Rouge Steel Company (MID 087 738 431) shall also include an SW-846 analysis for the contaminants listed in 40 CFR Part 261.24(b), Table 1. Respondent shall, at the end of the 90-day period but no later than 120 days from the effective date of this Order, submit the results of the analyses for all the used oil shipments accepted by the Facility to U.S. EPA.

F. For each used oil shipment accepted by the Facility containing more than 1,000 ppm total halogens, Respondent shall rebut the presumption of mixture with a halogenated hazardous waste either by using an analytical method from SW-846 to demonstrate that the used oil does not contain significant concentrations of halogenated hazardous constituents or by using knowledge to show that the source of halogenated constituents are from exempted sources (such as household hazardous waste or conditionally-exempt small quantity generators).

G. Respondent shall, within 90 days of the effective date of this Order, submit a letter enclosing a new Notification of Regulated Waste Activity (EPA Form 8700-12) or a certification that the March 1997 notification is still true, accurate and complete.

H. Respondent shall, within one-hundred (100) days of the effective date of this Order, submit for review and approval a written closure plan for the affected hazardous waste management units to Michigan Department of Environmental Quality (MDEQ).

I. Respondent shall, within one-hundred (100) days of the approval date of the closure plan, implement the MDEQ approved closure plan and submit certification of closure activities to the MDEQ.

J. Respondent shall notify the U.S. EPA in writing, via certified mail, upon achieving compliance with this Order. This notification shall be submitted no later than the time stipulated above (in paragraphs A through H) to the U.S. EPA Region 5, Waste, Pesticides and Toxics Division, Enforcement and Compliance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, Attention: Bryan Holtrop. A copy of these documents and all correspondence with the U.S. EPA regarding this Compliance Order shall also be submitted to the Michigan Department of Environmental Quality, Waste Management Division, P.O. Box 30241, Lansing, Michigan 48909-7741, Attention: Joanne Merrick.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation or disposal of solid or hazardous waste at this Facility may present an imminent and substantial endangerment to human health or the environment.

On December 31, 1996, the U.S. EPA issued a final Civil Monetary Penalty Inflation Adjustment Rule as mandated by the

Debt Collection Act of 1996 (Pub. L. 104-134, April 26, 1996), raising the maximum penalty from \$ 25,000 to \$ 27,500. The rule provides for the new ceiling to take effect for all violations which occur after January 30, 1997. See 61 FR 69360 (1996). Therefore, failure to comply with any provision of this Order or to pay the civil penalty assessed below shall subject Respondent to liability for a civil penalty of up to TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$ 27,500) for each day of continued noncompliance, pursuant to Section 3008(c) of RCRA, 42 U.S.C. § 6928(c).

### III

#### **PROPOSED CIVIL PENALTY**

Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the assessment of a civil penalty of up to \$25,000 per day for each violation before January 1, 1997 and \$27,500 after January 1, 1997 of Subtitle C of RCRA. Based upon the facts alleged above in this Complaint, and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and the ability of the Respondent to pay penalties, Complainant proposes that Respondent be assessed a civil penalty of EIGHT HUNDRED SIXTY FOUR THOUSAND SEVEN HUNDRED SEVENTY THREE DOLLARS (\$864,773) pursuant to Section 3008(c) and 3008(g) of RCRA, 42 U.S.C. §6928 for the violations alleged in this Complaint. Attachment 1 to

this Complaint provides a detailed summary for the proposed civil penalty. Respondent may pay this penalty by certified or cashier's check, payable to "Treasurer, the United States of America," and remit to:

U.S. Environmental Protection Agency, Region 5  
P.O. Box 70753  
Chicago, Illinois 60673

A copy of the check shall be sent to:

Tom Turner (C-14J)  
Office of the Regional Counsel  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Regional Hearing Clerk (R-19J)  
Planning and Management Division  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

A transmittal letter identifying this Complaint shall accompany the remittance and the copy of the check.

#### IV

#### **OPPORTUNITY TO REQUEST A HEARING**

In accordance with the Administrative Procedure Act (the APA), 5 U.S.C. §§ 551 et seq., you have the right to request a hearing to contest any material fact contained in this Complaint and Compliance Order, and/or to contest the appropriateness of the proposed compliance schedule or amount of the penalty. Any hearing that you request will be held and conducted in accordance

with the provisions of the APA, 5 U.S.C. §§ 551 et seq., and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 CFR Part 22. A copy of these rules accompanies this Complaint.

If you wish to avoid being found in default, you must file a written Answer to this Complaint with the Regional Hearing Clerk, (R-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, within thirty (30) days of the date this Complaint has been filed with the Regional Hearing Clerk. The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with respect to which Respondent has any knowledge, or clearly state that Respondent has no knowledge as to particular factual allegations in the Complaint. The Answer should also state:

1. The circumstances or arguments that you allege constitute the grounds of defense;
2. The facts that you intend to place at issue; and
3. Whether you request a hearing.

Failure to deny any of the factual allegations in this Complaint constitutes admission of the undenied allegations.

A copy of this Answer and any subsequent documents filed in this action should be sent to Mr. Tom Turner, Office of Regional

Counsel (C-14J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Mr. Tom Turner may be telephoned at (312) 886-6613.

If you fail to file a written Answer within thirty (30) days of the date this Complaint has been filed with the Regional Hearing Clerk, with or without a Request for Hearing, the Regional Administrator or Presiding Officer may issue a Default Order. Issuance of such Default Order will constitute a binding admission of all facts alleged in the Complaint and a waiver of your right to a hearing under RCRA. The civil penalty proposed in this Complaint shall then become due and payable without further proceedings sixty (60) days after a Final Order of Default is issued pursuant to 40 CFR § 22.17(a). In addition, the default penalty is subject to the provisions relating to imposition of interest, penalty and handling charges set forth in the Federal Claims Collection Act of 1966, 31 U.S.C. § 3717. Interest will accrue on the default penalty at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. The U.S. EPA will impose a late payment handling charge of fifteen dollars (\$ 15.00) for each subsequent thirty (30) day period over which an unpaid balance remains. In addition, the U.S. EPA will apply a six (6) percent per annum penalty on any principal amount not paid within ninety (90) days of the date that the Default Order is signed by the Regional

Administrator or Presiding Officer.

V

**SETTLEMENT CONFERENCE**

Whether or not you request a hearing, you may request an informal conference in order to discuss the facts of this case and to arrive at a settlement. To request a settlement conference, write to Mr. Bryan Holtrop, Enforcement & Compliance Assurance Branch (DRE-9J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or telephone him at (312) 353-5103.

Your request for an informal settlement conference does not extend the thirty (30) day period during which you must submit a written Answer and Request for Hearing. You may pursue the informal conference procedure simultaneously with the adjudicatory hearing procedure.

The U.S. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibilities of settlement through an informal conference. However, the U.S. EPA will not reduce the penalty simply because such a conference is held. Any settlement that may be reached as a result of such conference shall be embodied in a written Consent Agreement and Consent Order (CACO) issued by the Director of the Waste, Pesticides and Toxics Division, U.S. EPA, Region 5. The issuance of such a CACO shall constitute a waiver of your right to request a hearing on

any stipulated matter in the Agreement.

Dated this 24<sup>th</sup> day of September, 1998.

Joseph M. Boyle  
Joseph M. Boyle, Chief  
Enforcement and Compliance Assurance Branch  
Waste, Pesticides and Toxics Division  
U.S. Environmental Protection Agency  
Region 5  
Complainant

ATTACHMENT 1  
PENALTY SUMMARY SHEET  
SYBILL, INC.

NATURE OF VIOLATION DATE OF VIOLATION	CITATION OF REGULATION OR LAW	GRAVITY-BASED PENALTY	MULTI-DAY PENALTY AMOUNT	ECONOMIC BENEFIT	TOTAL PENALTY
COUNT 1 - Failure to notify U.S. EPA of used oil marketing activities and obtain a U.S. EPA ID number. Duration interval is from September 1992, to March 18, 1997	40 CFR 266.43(b)(3) 40 CFR 279.73(a) MAC R 299.9806(2)(c)	moderate/moderate <sup>1</sup> \$6,500	\$165,575	\$0	\$172,075
COUNT 2 - Failure to obtain a RCRA permit for handling listed hazardous waste. Duration interval is from April 12, 1993 to present.	MAC 299.9502(1) (40 CFR 270.1(c))	major/major <sup>2</sup> \$22,500	\$537,000	\$115,698	\$675,198
COUNT 3 - Failure to obtain a U.S. EPA identification number for transporting hazardous waste. Date of violation is March, 1 1995.	MAC R 299.9402 (40 CFR 263.11(a))	major/moderate <sup>3</sup> \$17,500	\$0	\$0	\$17,500
					Total: \$864,773

<sup>1</sup> Potential for Harm = moderate; and Extent of Deviation = moderate

<sup>2</sup> Potential for Harm = major; and Extent of Deviation = major

<sup>3</sup> Potential for Harm = major; and Extent of Deviation = moderate

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

Mr. Vasilios C. Madias  
111 Military Avenue  
Detroit, Michigan, 48209

I have further caused the original of the Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Office of the Regional Administrator U.S. EPA Region 5, 77 West Jackson Boulevard (R-19J), Chicago, Illinois 60604, on the date below.

This is said person's last known address to the subscriber.

Dated this 24 day of September, 1998.

Kimberly Williams

Secretary, Enforcement and  
Compliance Assurance Branch  
U.S. EPA, Region 5

US ENVIRONMENTAL  
PROTECTION AGENCY  
REGION V

98 SEP 24 P3:32

RECEIVED  
REGIONAL HEARING  
CLERK

# ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH

SECRETAR Y	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETAR Y
				AP 9/22/98	
AUTHOR/ TYPIST	MINN/OHIO SECTION CHIEF	MICHIGAN/ WISCONSIN SECTION CHIEF	ILLINOIS/ INDIANA SECTION CHIEF	ECAB BRANCH CHIEF	WPTD DIVISION DIRECTOR
BKH 9-15-98		RZ 9-15-98		AMP 9/24/98	



111 Military, Detroit, Michigan 48209-4102  
Telephone: (313) 841-8190 Facsimile: (313) 582-2206

**FACSIMILE TRANSMISSION**

DATE: 4-29-98 TIME: 4:00 PM.

NAME OF COMPANY: U.S. EPA

FACSIMILE TELEPHONE NUMBER: 312-353-4342

PLEASE DELIVER TO: BRYAN HOLTRUP

FROM: GARY BERNDT

NUMBER OF PAGES SENT: \_\_\_\_\_ (INCLUDING COVER PAGE)

MESSAGE: PLEASE CALL IF YOU NEED ANY ADDITIONAL  
INFORMATION - GARY - ALSO, PLEASE CALL

ME FOLLOWING YOUR REVIEW OF THIS INFORMATION

This facsimile contains privileged and confidential information intended only for the use of the ADDRESSEE(S) named above. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify the sender by telephone or return the original facsimile to the above address via U.S. Postal Service. Thank you. Telephone 313-382-9701



Gary Berndt - CHMM  
Compliance Officer

**TREATMENT PLANT:**

111 Military  
Detroit, Michigan 48209

Telephone: (313) 382-9701 - Facsimile: (313) 382-9764

Pager: (810) 510-5497

**ADMINISTRATION:**

3345 Greenfield Road  
Melvindale, Michigan 48122



3001 Miller Road  
P. O. Box 1889  
Dearborn, Michigan 48121-1889

April 28, 1998

Mr. Gary Berndt, Compliance Officer  
SRS Environmental  
111 Military  
Detroit MI 48209

Subject: Questions on April 12, 1993 analysis report for #7C Tandem Mill Oil

Dear Mr. Berndt:

It is my understanding that there is a question on the characterization of the #7 C Tandem Mill Oil waste stream from Rouge Steel, because the subject analysis report showed regulated levels of chlordane and heptachlor. To the best of our knowledge, this waste stream never has contained these substances. I have discussed the subject analysis report with the former Rouge Steel environmental engineer who handled the analysis. The environmental engineer was Fred Fung, who left Rouge Steel to work for another company in August 1993. Mr. Fung recalled the situation specifically because he was surprised that the analysis report indicated the presence of the two pesticides in the waste stream. Because this result was unexpected, he surveyed the operating areas and personnel to determine if there was any usage of pesticides or products which might contain pesticides. Finding no such usage, he had a second sample of the same waste stream analyzed by another lab. This sample showed no pesticides. Based on this analysis and his investigation, Mr. Fung concluded at that point that the original analysis was in error.

Our recent follow-up investigation verified that there was indeed a second analysis of the #7C Tandem Mill Oil waste stream, by Canton Analytical Laboratories, for a July 2, 1993 sample, and that analysis showed no detectable Chlordane or Heptachlor. (Copy enclosed.) However, the erroneous April 12, 1993 report was also found in the analysis file. That erroneous analysis was apparently used in 1995 by a student intern, who was working in the Rouge Steel Environmental Department, to prepare a waste characterization for waste destined for Sybill, Inc., now SRS Environmental. Based on our discussion with Mr. Fung, the April 12, 1993 analysis should not have been used for a waste characterization. However, Mr. Fung was no longer working at Rouge Steel and at that point had no involvement in preparing any Rouge Steel waste characterization. Consequently, the error went undetected by the Environmental Department. A formal procedure is being prepared by the Environmental Department to prevent recurrence of this type of situation.

The intern, who now works for another company, has no specific recollection of preparing the waste characterization sent to Sybill. A reasonable conclusion is that he assumed the analysis was valid because it was retained in file, and therefore sent a copy to Sybill with the waste characterization without a detailed review of the contents. We believe the analysis of the July 2

Post-It® Fax Note	7671	Date	4/29/98	Page	10
To	Gary Berndt	From	Don Windeler		
Co/Dept	SRS Environ	Co	Rouge Steel Co.		
Phone	313 244 2445	Fax	313 244 2445		

313/941 2445

1993 sample was the appropriate analysis for the 1995 Waste Characterization and are providing a copy for your use.

Our further investigation has included interviews with the supplier of the product, and with Rouge personnel responsible for the operations generating the waste stream in 1995 and at present. Review of the MSDS for the oil shows no pesticide ingredients. The supplier of the Tandem Mill Oil (Henkel) reports that they have never used chlordane or heptachlor in their manufacturing operation and that no pesticides have been added to product supplied to Rouge Steel. The Rouge operating personnel report that no pesticides have been added to the Tandem Mill Oil or used in the operating area. Based on this information, we do not have reason to believe that chlordane or heptachlor were present in the waste stream.

It is likely that the pesticides were present at the laboratory analyzing the waste stream. Such pesticides may have been present as standards for purposes of calibration and quality assurance, or in samples from other sources. Thus, there may have been an opportunity for cross-contamination of samples during analysis in the laboratory, which suggests an explanation for the erroneous April 12, 1993 analysis report.

We also have conducted a recent analysis of the waste stream. The analysis report of the recent sample shows no detectable heptachlor or chlordane (report enclosed).

We believe that the results of our investigation of the history of the analyses and of the product and its usage provide a reasonable basis for our conclusion that the April 12, 1993 analysis report was in error, and that the #7C Tandem Mill Oil waste stream has not contained chlordane or heptachlor.

Please contact the undersigned at (313) 845-3217, if you have any questions or comments on this information.

Very truly yours,  
ROUGE STEEL COMPANY



D. S. Windeler  
Manager, Environmental Engineering

Enclosures

MAR 08 1988

DRE-9J

Jim Sygo, Director  
Waste Management Division  
Michigan Department of Environmental Quality  
P.O. Box 30028  
Lansing, Michigan 48909

Re: Sybill, Incorporated  
111 Military Avenue  
Detroit, Michigan  
EPA I.D. No.: MID 000 022 400

Dear Mr. Sygo:

Pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA) as amended, I am providing notice to you that the United States Environmental Protection Agency is preparing to issue an Order under Section 3008(a)(1) to Sybill, Incorporated. The Order addresses violations of the Michigan Administrative Code (MAC) R 299.9806(2)(c) (Title 40 of the Code of Federal Regulations [40 CFR] 279.73(a) Subpart H, Standards for Used Oil Fuel Marketers); MAC R 299.9402 (40 CFR 263.11(a), Standards Applicable to Transporters of Hazardous Waste) and MAC R 299.9502(1) (40 CFR 270.1(c), RCRA Permit Requirement).

If you have any questions regarding this Order, please contact Mr. Bryan Holtrop of my staff at (312) 353-5103.

Sincerely yours,

**ORIGINAL SIGNED BY**  
**JOSEPH M. BOYLE**

Joseph M. Boyle, Chief  
Enforcement & Compliance Assurance Branch  
Waste, Pesticides and Toxics Division  
U.S. Environmental Protection Agency  
Region 5

bcc: Branch File  
Section File

**ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH**

SECRETARY	SECRETARY	SECRETARY
		ap 3/5/98
AUTHOR/ TYPIST	MICHIGAN/ WISCONSIN SECTION CHIEF	ECAB BRANCH CHIEF
BKLA	3-4-98	JMB 3/5/98

DRE-9J:AKERBS:3/3/98

F:\USER\SHARE\BHOLTROP\MICHNOT.SYB

MAR 06 1998

DRE-9J

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Vasilios C. Madias  
Registered Agent  
Sybill, Inc.  
4440 Wyoming  
Dearborn, Michigan 48126

RE: Pre-Filing Notice Letter  
Sybill, Incorporated  
U.S. EPA I.D. No. MIR 000 022 400

Dear Mr. Madias:

This letter is to notify you that the United States Environmental Protection Agency (U.S. EPA), is prepared to bring a civil administrative or judicial enforcement proceeding against Sybill, Incorporated for violations of the Resource Conservation and Recovery Act (RCRA). The complaint will allege that Sybill has violated Michigan Administrative Code (MAC) R 299.9806(2)(c) (Title 40 of the Code of Federal Regulations [40 CFR] 279.73(a), Subpart H, Standards for Used Oil Fuel Marketers); MAC R 299.9402 (40 CFR 263.11(a), Standards Applicable to Transporters of Hazardous Waste); and MAC R 299.9502(1) (40 CFR 270.1(c), RCRA Permit Requirement).

Before filing the complaint, however, we are extending to you the opportunity to advise the U.S. EPA of any factors you believe that the U.S. EPA should consider before issuing the civil complaint. Relevant factors may include any evidence of reliance upon on-site compliance assistance provided by the U.S. EPA or State agencies exercising delegated authority, misidentification of the proper party, or financial factors bearing on your ability to pay a civil penalty. If you believe that there are financial factors which bear on your ability to pay a civil penalty, please submit financial statements, including balance sheets and income statements for the past three years.

Please note that the U.S. EPA may consider and use information provided by you in a civil or criminal proceeding related to this matter.

It is our intention to file the civil administrative complaint in the near future. Please submit your response to this office within (10) business days of receipt of this letter. You should direct your response to Mr. Bryan Holtrop, U.S. EPA Region 5, Mail Code DRE-9J, 77 W. Jackson Blvd., Chicago, IL, 60604. If you have any questions regarding this letter, please contact Mr. Holtrop at (312) 353-5103. Thank you for your prompt attention to this matter.

Sincerely yours,

**ORIGINAL SIGNED BY**  
**JOSEPH M. BOYLE**

Joseph M. Boyle, Chief  
Enforcement & Compliance Assurance Branch  
Waste, Pesticides and Toxics Division  
U.S. Environmental Protection Agency  
Region 5

cc: Nick DiBrano, President, Sybill

bcc: Branch File  
Section File

**ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH**

SECRETARY	SECRETARY	SECRETARY
		WP 3/5/98
AUTHOR/ TYPIST	MICHIGAN/ WISCONSIN SECTION CHIEF	ECAB BRANCH CHIEF
BWA	SR 3-4-98	JMB 3/5/98

DE-9J:BHOLTROP:3/3/98

F:\USER\SHARE\BHOLTROP\LETTERS\SBPREF.A.SYB

STATE OF MICHIGAN



JOHN ENGLER, Governor

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48200-7073

INTERNET: <http://www.deq.state.mi.us>

RUSSELL J. HARDING, Director

**MICHIGAN DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

**DETROIT OFFICE**

**300 RIVER PLACE, STE 3600**

**DETROIT, MI 48207**

**FAX COVER SHEET**

**DATE:** 2/12/98

**TO:** Bryan Holtrop, USEPA

**FAX NO:** 312 353 4342

**FROM:** Jeanette M. Nocchel  
Waste Management Division

**PHONE:** (313) 392-6524

**FAX NO:** (313) 392-6488

**RE:** SRS/Sybill, Inc.

**Number of pages including cover sheet:** 6

**Message:** Sybill is now known as SRS Environmental. Attached is my Letter of Warning from my January 21, 1997, inspection. Please let me know if there is any further information you need. Thanks!

NOT. TO: 31 31 31 31

2/24/97

STATE OF MICHIGAN



JOHN ENGLER, Governor

## DEPARTMENT OF ENVIRONMENTAL QUALITY

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48200-7873

INTERNET: <http://www.deq.state.mi.us>

RUSSELL J. HARDING, Director

REPLY TO:  
WASTE MANAGEMENT DIVISION  
DETROIT OFFICE  
300 RIVER PLACE  
SUITE 3800  
DETROIT, MICHIGAN 48207

January 23, 1997

Mr. Gary Berndt  
Compliance Officer  
SRS Environmental (Sybill, Inc.)  
111 Military Street  
Detroit, MI 48209

Dear Mr. Berndt:

SUBJECT: MIP 000 000 378

On January 21, 1997, staff of the Michigan Department of Environmental Quality (MDEQ) conducted an inspection of Sybill, Inc., (hereafter Sybill) located at 111 Military Street, Detroit, Michigan, to evaluate compliance of that facility with Part 111: Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.11101 *et seq.* (Part 111); Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA), as amended; Part 121: Liquid Industrial Wastes, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.12101 *et seq.* (Part 121); and any regulations promulgated pursuant to these Acts. A copy of the completed inspection form can be obtained by contacting this office.

As a result of the inspection, staff of the MDEQ have determined that the above facility is in violation of the following:

1. R 299.9813(3): 40 CFR 279.51(a), used oil processors and re-refiners must obtain an USEPA identification number. Sybill currently has a Michigan processor identification (MIP 000 000 378). This is not a federal (USEPA) identification number. A notification form is attached to this letter. Please complete the form and return the form to this office (do not return directly to Lansing).
2. R 299.9813(3): 40 CFR 279.52(a)(2)(ii), all facilities must be equipped with devices such as telephones, 2 way radios, etc. Telephones are available at various locations throughout the site, however, the tanks across the street (Military Street) did not have telephones, etc. Please either document that this equipment is not required as per 40 CFR 279.52(2), or that the tanks are not used for waste oil processing or storage, or document that this type of equipment (telephones, etc.) is available for the location across the street.
3. R 299.9813(3): 40 CFR 279.52(a)(3), facility fire protection equipment must be tested and maintained as necessary to assure its proper operation in time of emergency. One fire extinguisher in the Chemical Bldg. was observed

Mr. Gary Berndt

2

January 23, 1997

undercharged. Please document that this fire extinguisher has been checked and properly charged.

4. R 299.9813(3): 40 CFR 279.52(a)(6), the owner or operator of a used oil processing or re-refining facility must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility: Arrangements must be made with local police, fire and emergency response teams to familiarize them with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrance to roads inside the facility and possible evacuation routes. Additionally, arrangements shall be made to familiarize local hospitals with the properties of hazardous waste handled at the facility and the type of injury or illnesses which could result from fire, explosion or releases at the facility. At a minimum, the local police department, the local fire department and a local hospital or clinic must be contacted and arrangements made. During the inspection, it was stated that the local fire department (Fire Marshall) and two local hospitals had been contacted, but this could not be documented. In addition (see items 5(b) & (f), below), there is a requirement to provide the facility contingency plan to the same local authorities. Please document (such as a certified mail receipt) that Sybill has made the appropriate arrangements with the local police and fire departments, and a local hospital or clinic.
5. R 299.9813(3): 40 CFR 279.52(b)(1), each owner or operator of a used oil processing or re-refining facility must have a contingency plan for the facility. Only a SPCC plan was available at Sybill, and it did not meet the requirements, as follows:
  - a) 40 CFR 279.52(b)(2)(i), the contingency plan must describe the actions facility personnel must take in response to fires, explosions or releases. The SPCC plan dealt adequately with releases, but there was no information regarding the actions facility personnel would be required to take in the event of a fire or explosion.
  - b) 40 CFR 279.52(b)(2)(iii), the plan must describe arrangements with local authorities (police, fire, hospital or clinic, at a minimum)(see item 4, above).
  - c) 40 CFR 279.52(b)(2)(iv), the plan must list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator. The emergency coordinator, Dave Stout, only had the beeper and home numbers listed. An address and an office number must be provided.
  - d) 40 CFR 279.52(b)(2)(v), the plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, etc.), and this list must be kept up to date. The plan must also include the location and a physical description of each item on the list, and a brief outline of its capabilities. No such information was available during the inspection.

Mr. Gary Berndt

3

January 23, 1997

- e) 40 CFR 279.52(b)(2)(vi), the plant must include an evacuation plan for facility personnel, which includes a description of signal(s) to be used to begin evacuation, evacuation routes (primary and alternate). No such information was available at the time of inspection.
- f) 40 CFR 279.52(b)(3)(i-ii), copies of the contingency plan must be maintained at the facility and submitted to local authorities (police, fire and hospital or clinic, at a minimum).

Please revise the facility contingency plan to include these issues, and provide a corrected copy to this office. It is suggested that Sybill first provide the corrected contingency plan to this office for review and approval. Once the plan has been approved, copies should then be sent to the local authorities.

- 6. R 299.9813(3): 40 CFR 279.57(b)(1-3), a used oil processor/re-refiner must report to MDEQ/USEPA, in the form of a letter, on a biennial basis (by March 1<sup>st</sup> of each even numbered year) the following information concerning used oil activities during the previous calendar year:
  - a) the USEPA identification number, name and address of the processor/re-refiner.
  - b) the calendar year covered by the report.
  - c) the quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.
  - d) Please submit this information for 1995 (originally due March 1<sup>st</sup>, 1996), and provide an additional copy to this office. Document that this requirement will be met on time in the future.
- 7. R 299.9406(7), a transporter shall display only current decals on a vehicle. If a vehicle is no longer licensed under part 111, all previously required decals shall be removed. A formerly licensed roll off box still had two hazardous waste transporter decals (1992 and unreadable year) affixed. Please remove these decals and document this to this office.

The following areas, which are not specific violations, were identified:

- 1. Sybill is a generator of used oil (waste oil that is shipped off site for further recovery and/or off-specification waste oil burned for energy recovery). Any tanks used to store used oil must be clearly labeled with the words 'used oil'. It was unclear at the time of inspection what tanks were being used for waste oil storage (as a generator). Please document that this requirement is being met.
- 2. Sybill was using toluene in the facility lab to test various oil/water samples. Waste toluene was returned to the facility wastewater treatment system for processing. Since Sybill appears to be a conditionally exempt small quantity generator, this is an acceptable process, however, the waste toluene would be considered a F005 listed hazardous waste (presuming it is 10% or greater toluene).

Notification  
is as a marketer

Mr. Gary Berndt

4

January 23, 1997

in the product solvent). If Sybill were ever to exceed the conditionally exempt small quantity generator classification, any other materials contaminated by the F005 waste would also be considered a listed hazardous waste and would have to be managed as such.

3. Please clarify the usage of Tank 5. It was understood during the inspection that this tank may be used to separate fats/oils/grease from processed wastewater, and/or it may be used to store processed wastewater prior to discharge to the sewer. If this tank is used exclusively for storage of processed wastewater, this would be considered a liquid industrial waste storage tank. Tanks used to store liquid industrial waste must be kept closed or covered, and this is an open topped tank (Part 121, Section 12113(1)). This tank, if a liquid industrial waste storage tank, must be covered. Please provide more information to this office.
4. R 299.9813(3): 40 CFR 279.52(2)(i) requires that an internal communications or alarm system must be available at the facility. This system must be capable of providing immediate emergency instructions (voice or signal) to facility personnel. Sybill's buildings have an alarm system (burglar), but it was not clear if there was an alarm or internal communications system (such as a PA system) available at the site or for the tanks across the street (Military Street).
5. R 299.9813(3): 40 CFR 279.52(4), wherever used oil is being poured, mixed, spread or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee. It was not clear if the tanks across the street (Military Street) were being used for waste oil storage/processing and would therefore require this type of access to an internal alarm. No telephones or other internal alarms were stated to be present at this location. Please document that either this location does not require this type of internal alarm, or document that an internal alarm is present at this location.
6. Please provide a copy of the characterization for the sandblast liquid observed on site (containers). This material was brought on site as a non hazardous waste.
7. Please document when the required cleanout (required under a Wayne County Consent Decree) of Tank 3 has been completed, and when the hole cut into the side of Tank 3 (to facilitate cleanout) has been repaired.
8. R 299.9813(3): 40 CFR 279.54(f)(1), containers and above ground tanks used to store or process used oil (used oil processors or re-refiners) must be labeled or marked clearly with the words 'Used Oil'. Please document that the appropriate tanks have been marked.

Sybill must respond to the violations as noted this letter and is requested to respond, where indicated, to the comments/issues. Please submit documentation to this office regarding those actions taken to address the violations and the responses to the comments/issues by February 24, 1997. The MDEQ will evaluate the response and determine compliance status and notify you of this determination.

Mr. Gary Berndt

5

January 23, 1997

This Letter of Warning does not preclude nor limit the MDEQ's ability to initiate any other enforcement action, under state or federal law, as deemed appropriate.

Attached, for your information, is a handout explaining the Pollution Incident Prevention Plan required for certain facilities in the under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.3101 et seq.; a short informational sheet on waste minimization; an information sheet on recycling fluorescent lamps; and information on PCB ballast's.

If you have any questions, please feel free to contact me.

Sincerely,

*Jeanette M. Noechel* 118

Jeanette M. Noechel  
Environmental Quality Analyst  
Waste Management Division  
(313) 392-6524

Enclosures

cc: Benedict N. Okwumabua, MDEQ, Livonia

**RESPONSE 21571**

STATE OF MICHIGAN



JOHN ENGLER, Governor

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48200 7073

INTERNET: <http://www.deq.state.mi.us>

RUSSELL J. HARDING, Director

REPLY TO:

WASTE MANAGEMENT DIVISION  
PO BOX 30241  
LANSING MI 48209-7741

March 27, 1997

Mr. Nick DiBrano  
SRS Environmental  
111 Military Ave.  
Detroit, MI 48209

Dear Mr. DiBrano:

**SUBJECT: Notification of Regulated Waste Activity  
Identification Number MIR000022400**

The Michigan Department of Environmental Quality (MDEQ) has received a Notification of Regulated Waste Activity (MDEQ form EQP5150) which was submitted pursuant to Section 3010 of the Resource Conservation and Recovery Act, 42 U.S.C. 6930 and Public Act 451 of 1994, Part 111, as amended, MCL 324.11101 et seq.

Accordingly, an Identification Number has been issued for SRS Environmental located at 111 Military Ave., Detroit, MI 48209. This twelve character identification number **MIR000022400** must be used on all manifests for shipments off-site of hazardous waste or liquid industrial waste and any correspondence regarding hazardous waste activities with MDEQ or the U.S. Environmental Protection Agency.

Enclosed is a copy of the notification form submitted with the identification number entered in Item I.C. Please carefully review the status marked to verify whether the correct box was checked in Item VIII. The status for this facility is:

Used oil marketer.  
Used oil transporter  
Used oil processor.

If you determine that the incorrect status was checked please submit a new notification form (EQP5150) with subsequent information (complete Item I.B. and I.C.), along with a cover letter explaining that the first notification was incorrect.

Note that the identification number is site-generated; meaning this identification number cannot be used at a new location. In case of a move, change of owner or facility status, contact the MDEQ for a new instruction booklet and notification form (EQP5150).

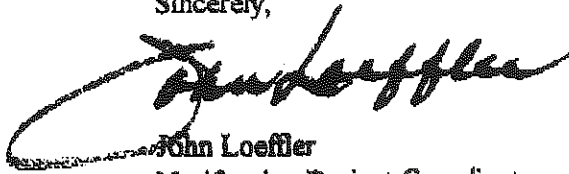
Page 2

March 27, 1997

If the purpose of this notification is a one-time generation of hazardous waste due to a clean-up, PCB Removal, underground storage tank removal, etc., please notify the MDEQ in writing upon completion of the project. The MDEQ will deactivate the Identification Number at that time.

If you have any questions please contact me at the number below or Mr. Don Clingersmith at 517-335-5139.

Sincerely,

A handwritten signature in black ink, appearing to read "John Loeffler", with a large, sweeping flourish extending from the end of the name.

John Loeffler  
Notification Project Coordinator  
517-335-5035

cc: District Office  
File

STATE OF MICHIGAN



JOHN ENGLER, Governor

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

HOLLISTER BUILDING, PO BOX 80473, LANSING MI 48908-7873

INTERNET: <http://www.deq.state.mi.us>

RUSSELL J. HARDING, Director

**MICHIGAN DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

**DETROIT OFFICE  
300 RIVER PLACE, STE 3600  
DETROIT, MI 48207**

**FAX COVER SHEET**

**DATE: 9/15/97**

**TO: ~~Mike Cunningham, ISEPA~~**

**FAX NO: 312-353-4788**

**FROM: Jeanette M. Noechel  
Waste Management Division**

**PHONE: (313) 392-6524**

**FAX NO: (313) 392-6488**

**RE: SRS/Sybill**

**Number of pages including cover sheet: 5**

**Message: Notification form for SRS/Sybill. Am still checking on the on-spec oil issue. Anything else, please let me know. Thanks!**

October 20, 1995

Mr. Michael Cunningham  
USEPA Region 5, RCRA  
Enforcement Branch (HRE-8J)  
77 West Jackson Boulevard  
Chicago, IL 60604

RE: INFORMATION REQUEST RESPONSE

Dear Mr. Cunningham:

Enclosed you will find our response to your written request dated September 18, 1995.

Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 detailed information is listed in the enclosed documents marked "ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11."

ITEM 6

Oil shipped out-bound to various clients (On "Spec" Materials - Non Hazardous) are used in the following ways:

- A. Burn Stock
- B. Lube Stock
- C. Processor/Re-finer

ITEM 7

Sybill, Inc. shipped 8,500 gallons of processed oil to the Usher Oil Company on February 14, 1995 for re-refining.

US-EPA ID Number MID 016 985 814

ITEM 8

No known shipments of off-specification oils.

ITEM 9

Refer to Items 7 and 10.

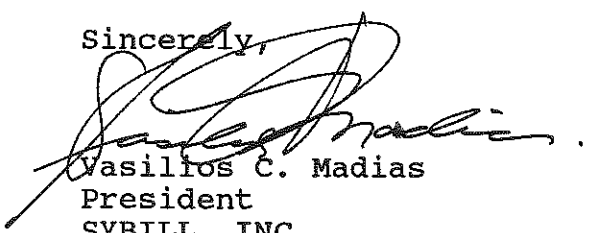
ITEM 10

1. "Warner". Sybill, Inc. shipped 5,500 gallons of on spec oil to Warner Petroleum on April 27, 1995. Material is used for burn stock.  
US-EPA ID Number MID-(517)-386-4350  
"Diane"
- √2. "MMT". Sybill, Inc. shipped 6,443 gallons of on spec oil to MMT on January 18, 1995. Material is used for lube stock or burning dependent upon market needs.  
US-EPA ID Number MID 981 192 347
3. "MMT". Sybill, Inc. 8,500 gallons of on spec oil to MMT on February 14, 1995. Material is used for lube stock or burning dependent upon market needs.  
US-EPA ID Number MID 981 192 347
4. "Bucks Oil". Sybill, Inc. shipped 4,000 gallons of on spec oil to Bucks Oil on February 14, 1995. Material is used for lube stock.  
US-EPA ID Number MIH 000 000 339

If any additional documents are needed for your inspection, please know that the additional information is on file.

Also, should you have any questions or concerns regarding this letter, please call me at 313-841-6190.

Sincerely,



Vasilios C. Madias  
President  
SYBILL, INC.

pc: Nickolas DiBrano, General Manager, Sybill, Inc.  
George Haratsaris, Facilities Engineer, Sybill, Inc.  
Gary D. Berndt, Compliance Officer, Sybill, Inc.  
Richard Connors, Plunkett & Cooney, P.C.

October 20, 1995

Mr. Michael Cunningham  
USEPA Region 5, RCRA  
Enforcement Branch (HRE-8J)  
77 West Jackson Boulevard  
Chicago, IL 60604

RE: RCRA 3007 INFORMATION REQUEST  
SYBILL, INC., DETROIT, MI  
MIH 000 000 378

Dear Mr. Cunningham:

Pursuant to a formal request by your director, Joseph M. Boyle, Sybill, Inc. hereby encloses various documents listed within the Information Request portion of the request.

Sybill received the request on September 29, 1995. It is our understanding that a response is due on or about October 23, 1995, which falls within the twenty (20) days of receipt of your request.

Pursuant to 40 C.F.R. 2.203(b), Sybill, Inc. inserts a claim of business confidentiality regarding all of the information submitted in response to this request, because none of the information submitted is emission data as defined at 40 C.F.R. 2.301 (a) (2). In the event any of this information is forwarded to other agencies, including the State of Michigan, our claim of business confidentiality shall be maintained and the receiving agency shall be informed of such claim and required to handle such information appropriately, subject to penalties provided by law for release of information subject to such protection.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this Information Request. Based upon my review of all relevant documents available to me and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Date: 10/19, 1995

By:   
V. C. Madias  
Its: President

Notarized: 

MATTHEW J. LIVERNOIS  
NOTARY PUBLIC - WAYNE COUNTY, MICH.  
MY COMMISSION EXPIRES 6-14-99

October 20, 1995

Mr. Michael Cunningham  
USEPA Region 5, RCRA  
Enforcement Branch (HRE-8J)  
77 West Jackson Boulevard  
Chicago, IL 60604

RE: INFORMATION REQUEST RESPONSE

Dear Mr. Cunningham:

Enclosed you will find our response to your written request dated September 18, 1995.

Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 detailed information is listed in the enclosed documents marked "ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11.

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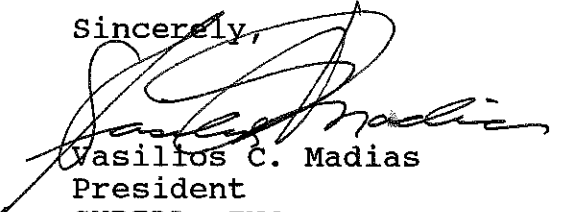
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If any additional documents are needed for your inspection, please know that the additional information is on file.

Also, should you have any questions or concerns regarding this letter, please call me at 313-841-6190.

Sincerely,



Vasilios C. Madias  
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Gary D. Berndt, Compliance Officer, Sybill, Inc.  
Richard Connors, Plunkett & Cooney, P.C.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

SYBILL, INCORPORATED	)	INFORMATION REQUEST PURSUANT
WASTE TREATMENT CENTER	)	TO SECTION 3007 OF THE
111 MILITARY AVENUE	)	RESOURCE CONSERVATION AND
DETROIT, MICHIGAN 48209	)	RECOVERY ACT, AS AMENDED,
	)	42 U.S.C. §6927
EPA ID NO.: MID <del>005 516 198</del>	)	

This is a request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The issuance of this request serves to require Sybill, Incorporated to submit information relating to the generation, storage, treatment, disposal, and/or recycling of solid and/or hazardous waste and used oil at Sybill, Inc., Waste Treatment Center, located in Detroit, Michigan, as defined by Michigan Administrative Code, Part 1 and 40 CFR Part 261.

The State of Michigan is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under Subtitle C of RCRA, 42 U.S.C. §6921 et. seq., subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), November 8, 1984, 42 U.S.C. §6926(c) and (g). The State's program, as administered by the Michigan Department of Natural Resources, was approved by U.S. EPA pursuant to 42 U.S.C. §6926(b) and 40 CFR Part 271. U.S. EPA's approvals were effective on October 30, 1986, January 23, 1990, and June 24, 1991 (see 51 Fed. Reg. 36804, 54 Fed. Reg. 46808, and 56 Fed. Reg. 18517). Michigan is authorized to implement only the HSWA requirements identified in the June 24, 1991, Federal Register notice granting Michigan

authorization (see 56 Fed. Reg. 18517). Michigan has primary responsibility for enforcing its hazardous waste program. However, U.S. EPA retains the authority to exercise its enforcement authorities under Sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. §§6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations.

#### I. INSTRUCTIONS

This request for information pertains to any and all information you may have regarding the generation, treatment, storage, disposal and/or recycling of solid and/or hazardous waste and used oil at the Sybill, Inc., Waste Treatment Center located at 111 Military Avenue, Detroit, Michigan 48209 ("Sybill").

If any information called for herein is not available or accessible in the full detail requested, the request shall be deemed to call for the best information available. The request also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible.

The information must be provided notwithstanding its possible characterization as confidential information or trade secrets. You are entitled to assert a claim of confidentiality pursuant to 40 CFR §2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which

the Administrator of this Agency determines to constitute methods, processes or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2. A request for confidential treatment must be made when information is provided since any information not so identified will not be accorded this protection by the Agency.

The written statements submitted pursuant to this request must be notarized and returned under an authorized signature certifying that all statements contained therein are true, accurate, and complete to the best of the signatory's knowledge and belief. Should the signatory find at any time after submittal of the requested information that any portion of this submittal certified as true is false or misleading, the signatory should so notify U.S. EPA. If any information submitted under this information request is found by U.S. EPA to be untrue or misleading, the signatory can be prosecuted under Section 1001 of Title 18 of the United States Code. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

The information requested herein must be provided, within twenty (20) days following receipt of this request, to the United States Environmental Protection Agency, Region 5, Attention: Mr. Michael Cunningham, RCRA Enforcement Branch (HRE-8J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

This Information Request is not subject to the Paperwork Reduction Act, See 44 U.S.C. Sections 3518(c)(1)(A) and (B).

## II. DEFINITIONS

- A. "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them), as defined in Mich. Admin. Code r. 299.9103 and 40 CFR §260.10.
- B. "Hazardous waste" means a hazardous waste as defined in Mich. Admin. Code r. 299.9104 and r. 299.9203 and 40 CFR §§261.3 and 260.10.
- C. "Management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste, as defined in Mich. Admin. Code r. 299.9105 and 40 CFR §260.10.
- D. "Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple

distillation, chemical or physical separation and re-refining, as defined in 40 CFR §279.10.

- E. "Solid Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from the industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1342, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. §2011 et. seq., as defined in Section 1004 of the Solid Waste Disposal Act, as amended.
- F. "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character, or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste nonhazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume, as defined in

Mich. Admin. Code r. 299.9108 and 40 CFR §260.10.

- G. "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities, as defined in 40 CFR §279.10.
- 
- H. "Used oil fuel marketer" means any person who conducts either of the following activities:
- (1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
  - (2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 40 CFR §279.11, as defined in 40 CFR §279.10.
- I. "Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation, as defined in 40 CFR §279.10.
- J. "Used oil processor/re-refiner" means a facility that processes used oil, as defined in 40 CFR §279.10.
- K. "Used oil transporter" means any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities, as defined in 40 CFR §279.10.

- L. "You" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assignees, and agents.
- M. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in RCRA, Mich. Admin. Code r. Parts 1 through 11, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

III. Request for Answers to Questions and the Production of Documents

1. Provide a detailed description of the used oil operations carried out at Sybill. Identify the sources of used oil, the steps in processing used oil, the final used oil-derived products, the destination(s) and intended use(s) of the final used oil-derived products, and all solid and/or hazardous wastes generated from the process(es). Describe the material each tank or container receives (i.e., wastewater, on-specification used oil, off-specification used oil, etc.).
2. For all shipments of used oil received by Sybill since September 10, 1992, which contained greater than 1,000 ppm total halogens, provide the documentation and/or analyses used to rebut the presumption of mixing pursuant to 40 CFR §279.53.

3. Provide a copy of all documents regarding the off-site shipment of used oil from Sybill since September 10, 1992. *analysis of used oil*

This may include manifests, invoices, bills of lading, logs, and chemical and/or physical analyses of the used oil.

4. For all shipments of used oil for which Sybill acted as a transporter since September 10, 1992, provide the following records: *25/*

A. For used oil shipments accepted: *encl 6-1-92 P1*

- 1) The name and address of the generator, transporter, or processor/re-refiner who provided the used oil for transport;
- 2) The EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport;
- 3) The quantity of used oil accepted; and
- 4) The signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport;

B. For used oil shipments delivered: *25/*

- 1) The name and address of the receiving facility or transporter;
- 2) The EPA identification number of the receiving facility or transporter;
- 3) The quantity of used oil delivered;
- 4) The date of delivery; and

- 5) The signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.

5. For all shipments of used oil accepted by Sybill for processing and/or re-refining since September 10, 1992, provide the following information:

752/  
each  
doc

- 1) The name, address, and EPA identification number of the transporter who delivered the used oil;
- 2) The name, address, and EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent;
- 3) The quantity of used oil accepted; and
- 4) The date of acceptance.

6. For each shipment of used oil accepted by Sybill for processing and/or re-refining since September 10, 1992, and shipped to a used oil burner, processor/re-refiner, or disposal facility, provide the following information:

752/  
each

- 1) The name, address, and EPA identification number of the transporter who delivers the used oil to the burner, processor/re-refiner, or disposal facility;
- 2) The name, address, and EPA identification number of the burner, processor/re-refiner or disposal facility who will receive the used oil;
- 3) The quantity of used oil shipped; and
- 4) The date of shipment.

7. Provide the information outlined in paragraph 5 above for the enclosed document dated 2/14/95 regarding a shipment of 8,500 gallons of waste oil to Usher Oil for disposal.

8. For each shipment of off-specification used oil fuel sent to a burner since September 10, 1992, provide the following:

- 1) The name, address, and EPA identification number of the transporter who delivers the used oil to the burner;
- 2) The name, address, and EPA identification number of the burner who will receive the used oil;
- 3) The quantity of used oil shipped; and
- 4) The date of shipment.
- 5) the one-time written certification notice from the burner(s) pursuant to 40 CFR §279.75.

9. For each shipment of on-specification used oil fuel sent to a burner since September 10, 1992, provide the following:

- 1) The name and address of the facility receiving the shipment;
- 2) The quantity of used oil fuel delivered;
- 3) The date of shipment or delivery; and
- 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under 40 CFR §279.72(a).

10. Provide the name and address of the recipients of, analyses on, and ultimate disposition of, used oil referred to in the

following documents enclosed with this information request:

(1) the document dated 4/27/93 regarding a 5,500 gallon load of on-specification oil;

(2) the document dated 1/16/95 regarding 6,500 gallons of EPA off-specification used oil;

(3) the document dated 1/18/95 regarding a 6,443 gallon load of on-specification fuel; and

(4) the document dated 2/14/95 regarding 8,500 gallons of EPA on-specification oil. 2/23/95

11. Provide the following notarized certification by a responsible corporate officer or by a duly authorized representative of that person:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

Joseph M. Boyle, Chief  
RCRA Enforcement Branch  
Waste Management Division  
United States Environmental Protection Agency  
Region 5

October 2, 1995

Mr. Michael Cunningham  
USEPA REGION 5, RCRA  
Enforcement Branch (HRE-8J)  
77 West Jackson Boulevard  
Chicago, IL 60604

RECEIVED

OCT 06 1995

OFFICE OF RCRA  
WASTE MANAGEMENT DIVISION  
EPA REGION V

RE: FORMAL LETTER OF EXTENSION &  
DOCUMENT REQUEST REVISION'S

Dear Mr. Cunningham:

This letter is a formal request asking for an additional thirteen (13) days to respond to your request for information. As per our telephone conversations on September 29, 1995 and October 2, 1995, Sybill, Inc. is providing your office with this written acknowledgement that our formal response will be due on or before October 23, 1995.

Due to the large amount of paperwork involved, Sybill will also be limiting its document submittance for Items 3, 4, 5, 6, 8 and 9 as listed in your original request.

Sybill understands that it should provide your office with any information on file regarding in-bound wastes or out-bound oils which contain greater than 1,000 ppm total halogens.

This request revision will limit to (75) the number of documents provided for each item.

If you should have any questions or concerns regarding this letter, please call me at 313-841-6190.

Sincerely,



Gary D. Berndt  
Compliance Officer  
Sybill, Inc.

pc: Nickolas DiBrano, General Manager, Sybill, Inc.  
George Haratsaris, Facilities Engineer, Sybill, Inc.  
Vasilios C. Madias, President, Sybill, Inc.  
Richard Connors, Plunkett & Cooney, P.C.

Sybill - Section 3007 Info request letter  
- Section 3007 Information Request  
- Sybill Response

7-18-95

HRE-8J

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Mohamed Ahmed  
Plant Supervisor  
Sybill, Incorporated  
Waste Treatment Center  
111 Military Avenue  
Detroit, Michigan 48209

Re: RCRA §3007 Information Request  
Sybill, Incorporated  
Detroit, Michigan  
MID 005 516 198

Dear Mr. Ahmed:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA) pursuant to its authority under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The information requested relates to Sybill's Waste Treatment facility in Detroit, Michigan.

The information requested herein must be provided to this office within the timeframe specified in the request, notwithstanding its possible characterization as confidential information. You may, pursuant to 40 CFR §2.203(a), assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR §2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted, since any information not so identified may be made available to the public without further notice.

Written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying, pursuant to 40 CFR §270.11, that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Any documents submitted to the U.S. EPA, Region 5, pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge or belief.

Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false,

misleading or incomplete, the signatory should so notify Region 5. If any answer certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Act of 1980, 44 U.S.C. Section 3501, et. seq. If you have any questions regarding this matter, please contact Mr. Michael Cunningham, RCRA Enforcement Branch, at (312) 886-4464. Your response should be sent to the United States Environmental Protection Agency, Region 5, RCRA Enforcement Branch (HRE-80), 77 West Jackson Boulevard, Chicago, Illinois 60604, Attention: Michael Cunningham.

Sincerely yours,

Joseph M. Boyle, Chief  
RCRA Enforcement Branch

Enclosures

cc: Tim Sonnenberg, MDNR

HRE-8J/MCUNNINGHAM/6-4464/INFLET.SYB/9-5-95

bcc: Branch file

OFFICIAL FILE COPY
--------------------

CONCURRENCE REQUESTED FROM REB			
OTHER STAFF	REB STAFF	REB SECTION CHIEF	REB BRANCH CHIEF

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

SYBILL, INCORPORATED	)	INFORMATION REQUEST PURSUANT
WASTE TREATMENT CENTER	)	TO SECTION 3007 OF THE
111 MILITARY AVENUE	)	RESOURCE CONSERVATION AND
DETROIT, MICHIGAN 48209	)	RECOVERY ACT, AS AMENDED,
	)	42 U.S.C. §6927
EPA ID NO.: MID <del>603-316-198</del>	)	

This is a request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The issuance of this request serves to require Sybill, Incorporated to submit information relating to the generation, storage, treatment, disposal, and/or recycling of solid and/or hazardous waste and used oil at Sybill, Inc., Waste Treatment Center, located in Detroit, Michigan, as defined by Michigan Administrative Code, Part 1 and 40 CFR Part 261.

The State of Michigan is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under Subtitle C of RCRA, 42 U.S.C. §6921 et. seq., subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), November 8, 1984, 42 U.S.C. §6926(c) and (g). The State's program, as administered by the Michigan Department of Natural Resources, was approved by U.S. EPA pursuant to 42 U.S.C. §6926(b) and 40 CFR Part 271. U.S. EPA's approvals were effective on October 30, 1986, January 23, 1990, and June 24, 1991 (see 51 Fed. Reg. 36804, 54 Fed. Reg. 46808, and 56 Fed. Reg. 18517). Michigan is authorized to implement only the HSWA requirements identified in the June 24, 1991, Federal Register notice granting Michigan

authorization (see 56 Fed. Reg. 18517). Michigan has primary responsibility for enforcing its hazardous waste program. However, U.S. EPA retains the authority to exercise its enforcement authorities under Sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. §§6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations.

#### I. INSTRUCTIONS

This request for information pertains to any and all information you may have regarding the generation, treatment, storage, disposal and/or recycling of solid and/or hazardous waste and used oil at the Sybill, Inc., Waste Treatment Center located at 111 Military Avenue, Detroit, Michigan 48209 ("Sybill").

If any information called for herein is not available or accessible in the full detail requested, the request shall be deemed to call for the best information available. The request also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible.

The information must be provided notwithstanding its possible characterization as confidential information or trade secrets. You are entitled to assert a claim of confidentiality pursuant to 40 CFR §2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which

the Administrator of this Agency determines to constitute methods, processes or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2. A request for confidential treatment must be made when information is provided since any information not so identified will not be accorded this protection by the Agency.

The written statements submitted pursuant to this request must be notarized and returned under an authorized signature certifying that all statements contained therein are true, accurate, and complete to the best of the signatory's knowledge and belief. Should the signatory find at any time after submittal of the requested information that any portion of this submittal certified as true is false or misleading, the signatory should so notify U.S. EPA. If any information submitted under this information request is found by U.S. EPA to be untrue or misleading, the signatory can be prosecuted under Section 1001 of Title 18 of the United States Code. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

The information requested herein must be provided, within twenty (20) days following receipt of this request, to the United States Environmental Protection Agency, Region 5, Attention: Mr. Michael Cunningham, RCRA Enforcement Branch (HRE-8J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

This Information Request is not subject to the Paperwork Reduction Act, See 44 U.S.C. Sections 3518(c)(1)(A) and (B).

## II. DEFINITIONS

- A. "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them), as defined in Mich. Admin. Code r. 299.9103 and 40 CFR §260.10.
- B. "Hazardous waste" means a hazardous waste as defined in Mich. Admin. Code r. 299.9104 and r. 299.9203 and 40 CFR §§261.3 and 260.10.
- C. "Management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste, as defined in Mich. Admin. Code r. 299.9105 and 40 CFR §260.10.
- D. "Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple

distillation, chemical or physical separation and re-refining, as defined in 40 CFR §279.10.

- E. "Solid Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from the industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1342, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. §2011 et. seq., as defined in Section 1004 of the Solid Waste Disposal Act, as amended.
- F. "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character, or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste nonhazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume, as defined in

Mich. Admin. Code r. 299.9108 and 40 CFR §260.10.

- G. "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities, as defined in 40 CFR §279.10.
- H. "Used oil fuel marketer" means any person who conducts either of the following activities:
- (1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
  - (2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 40 CFR §279.11, as defined in 40 CFR §279.10.
- I. "Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation, as defined in 40 CFR §279.10.
- J. "Used oil processor/re-refiner" means a facility that processes used oil, as defined in 40 CFR §279.10.
- K. "Used oil transporter" means any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities, as defined in 40 CFR §279.10.

- L. "You" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assignees, and agents.
- M. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in RCRA, Mich. Admin. Code r. Parts 1 through 11, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

III. Request for Answers to Questions and the Production of Documents

1. Provide a detailed description of the used oil operations carried out at Sybill. Identify the sources of used oil, the steps in processing used oil, the final used oil-derived products, the destination(s) and intended use(s) of the final used oil-derived products, and all solid and/or hazardous wastes generated from the process(es). Describe the material each tank or container receives (i.e., wastewater, on-specification used oil, off-specification used oil, etc.).
2. For all shipments of used oil received by Sybill since September 10, 1992, which contained greater than 1,000 ppm total halogens, provide the documentation and/or analyses used to rebut the presumption of mixing pursuant to 40 CFR §279.53.

3. Provide a copy of all documents regarding the off-site shipment of used oil from Sybill since September 10, 1992. *analysis of used oil*

This may include manifests, invoices, bills of lading, logs, and chemical and/or physical analyses of the used oil.

4. For all shipments of used oil for which Sybill acted as a transporter since September 10, 1992, provide the following records: *25*

A. For used oil shipments accepted: *eq. 2*

- 1) The name and address of the generator, transporter, or processor/re-refiner who provided the used oil for transport; *Eq.*
- 2) The EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport;
- 3) The quantity of used oil accepted; and
- 4) The signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport;

B. For used oil shipments delivered:

- 1) The name and address of the receiving facility or transporter; *2*
- 2) The EPA identification number of the receiving facility or transporter;
- 3) The quantity of used oil delivered;
- 4) The date of delivery; and

- 5) The signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.

5. For all shipments of used oil accepted by Sybill for processing and/or re-refining since September 10, 1992, provide the following information:

7581  
each  
fac

- 1) The name, address, and EPA identification number of the transporter who delivered the used oil;
- 2) The name, address, and EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent;
- 3) The quantity of used oil accepted; and
- 4) The date of acceptance.

6. For each shipment of used oil accepted by Sybill for processing and/or re-refining since September 10, 1992, and shipped to a used oil burner, processor/re-refiner, or disposal facility, provide the following information:

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02-1

- 1) The name, address, and EPA identification number of the transporter who delivers the used oil to the burner, processor/re-refiner, or disposal facility;
- 2) The name, address, and EPA identification number of the burner, processor/re-refiner or disposal facility who will receive the used oil;
- 3) The quantity of used oil shipped; and
- 4) The date of shipment.

7. Provide the information outlined in paragraph 5 above for the enclosed document dated 2/14/95 regarding a shipment of 8,500 gallons of waste oil to Usher Oil for disposal.

8. For each shipment of off-specification used oil fuel sent to a burner since September 10, 1992, provide the following: *75%*

- 1) The name, address, and EPA identification number of the transporter who delivers the used oil to the burner;
- 2) The name, address, and EPA identification number of the burner who will receive the used oil;
- 3) The quantity of used oil shipped; and
- 4) The date of shipment.
- 5) the one-time written certification notice from the burner(s) pursuant to 40 CFR §279.75.

9. For each shipment of on-specification used oil fuel sent to a burner since September 10, 1992, provide the following: *75%*

- 1) The name and address of the facility receiving the shipment;
- 2) The quantity of used oil fuel delivered;
- 3) The date of shipment or delivery; and
- 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under 40 CFR §279.72(a).

10. Provide the name and address of the recipients of, analyses on, and ultimate disposition of, used oil referred to in the

SEP 18 1985

HRE-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Mohamed Ahmed  
Plant Supervisor  
Sybill, Incorporated  
Waste Treatment Center  
111 Military Avenue  
Detroit, Michigan 48209

Re: RCRA §3007 Information Request  
Sybill, Incorporated  
Detroit, Michigan  
~~MD 005 516 198~~

Dear Mr. Ahmed:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA) pursuant to its authority under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The information requested relates to Sybill's Waste Treatment facility in Detroit, Michigan.

The information requested herein must be provided to this office within the timeframe specified in the request, notwithstanding its possible characterization as confidential information. You may, pursuant to 40 CFR §2.203(a), assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR §2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted, since any information not so identified may be made available to the public without further notice.

Written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying, pursuant to 40 CFR §270.11, that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Any documents submitted to the U.S. EPA, Region 5, pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge or belief.

Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should so notify Region 5. If any answer certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Act of 1980, 44 U.S.C. Section 3501, et. seq. If you have any questions regarding this matter, please contact Mr. Michael Cunningham, RCRA Enforcement Branch, at (312) 886-4464. Your response should be sent to the United States Environmental Protection Agency, Region 5, RCRA Enforcement Branch (HRE-8J), 77 West Jackson Boulevard, Chicago, Illinois 60604, Attention: Michael Cunningham.

Sincerely yours,

**ORIGINAL SIGNED BY  
JOSEPH M. BOYLE**

Joseph M. Boyle, Chief  
RCRA Enforcement Branch

Enclosures

cc: Tim Sonnenberg, MDNR



CITY OF DETROIT  
WATER AND SEWERAGE DEPARTMENT  
LIVERNOS CENTER

RESPONSE  
ITEM 1

303 S. LIVERNOS AVENUE  
DETROIT, MICHIGAN 48209

May 11, 1995

Mr. Vasilios C. Madias  
Sybill, Inc.  
111 Military  
Detroit, MI 48209

**NOTICE OF ACCEPTANCE**

**SIX-MONTH REPORT (SMR)**

**July - December 1994**

The Detroit Water and Sewerage Department (DWSD) Industrial Waste Control (IWC) has reviewed the Six-Month Report submitted for the facility listed below:

Sybill, Inc.  
111 Military  
Permit Number: 914-003

IWC has determined that your SMR complies with the reporting requirements of your wastewater discharge permit and applicable federal and local regulations, including the City of Detroit Ordinance No. 23-86.

You must notify us of any changes and/or modifications in your facility's operation which may affect your permit. Enclosed is a blank SMR form for your next report which is due on or before June 30, 1995.

Should you have any questions, please contact Mr. Mukesh Patel at (313) 297-9218.

Sincerely,

*Ireneo Valera*  
for Ireneo Valera, P.E.  
Chemical Engineer  
Industrial Waste Control

IV/MP/hrb  
Enclosure

CITY OF DETROIT  
WATER AND SEWERAGE DEPARTMENT  
INDUSTRIAL WASTE CONTROL DIVISION

303 S. LIVERNOIS AVENUE  
DETROIT, MICHIGAN 48209  
PHONE 313•297•9400  
FAX 313•297•9429

July 19, 1995

Mr. Gary Berndt  
Sybill, Inc.  
111 Military  
Detroit, MI 48209

**NOTICE OF ACCEPTANCE  
SIX MONTH REPORT (SMR)  
January - June 1995**

The Detroit Water and Sewerage Department, Industrial Waste Control (IWC), has reviewed the Six Month Report submitted for the facility listed below:

Sybill, Inc.  
111 Military  
Permit Number: 914-003

The Department has determined that your SMR complies with the reporting requirements of your wastewater discharge permit and applicable federal and local regulations, including the City of Detroit Ordinance No. 23-86.

You must notify IWC of any changes and/or modifications in your facility's operation which may affect your wastewater discharge permit.

Enclosed is a blank SMR form for your next report which will be due on or before December 31, 1995. If you have any questions, please contact me at (313) 297-9413

Sincerely,



Joe I. Belen, P.E.  
Industrial Waste Control

JB/TA/hrb  
Enclosure

DETROIT WATER & SEWERAGE DEPARTMENT  
INDUSTRIAL WASTE CONTROL  
SIX MONTH COMPLIANCE REPORT



(Please Type or Print)

**Note:** Read Guidelines and Instructions before completing this form.

**I A. FACILITY NAME:** SYBILL, INCORPORATED  
**ADDRESS:** 111 MILITARY  
DETROIT, MICHIGAN 48209-4102  
**TEL. NO.:** (313) 841-6190 **PERMIT NO.:** 914-003  
**B. CONTACT PERSON:** GARY BERNDT  
**TITLE:** COMPLIANCE OFFICER **TEL. NO.:** (313) 582-2219  
**C. REPORTING PERIOD:** ☒ JANUARY-JUNE ☐ JULY-DECEMBER 1995

**II WASTEWATER FLOWS: (AVERAGE)**

TOTAL PLANT FLOW	<u>58,000</u>	GPD
1. REGULATED	<u>45,000</u>	GPD
2. NON-REGULATED	<u>N/A</u>	GPD
3. COOLING WATER	<u>15,000</u>	GPD
4. SANITARY	<u>2,000</u>	GPD
TYPE OF DISCHARGE:	<input checked="" type="checkbox"/> BATCH	<input type="checkbox"/> CONTINUOUS

**III SAMPLING DETAILS:**

**A. SAMPLING LOCATION:** [SPECIFIC DESCRIPTION(S) REQUIRED]

SAMPLING SHACK - 15' E. OF INCINERATOR

BUILDING - 3' N. OF N. CONTAINMENT WALL

**B. DATE & TIME OF SAMPLING:** 3/13/95 8:00 a.m. DURING DISCHARGE

**C. METHODS OF SAMPLING:** TIME COMPOSITE GRAB

**D. NAME(S) OF PERSON(S) OBTAINING SAMPLES:** MS. ESFIR LUPYAN

**E. ADDITIONAL SAMPLING LOCATIONS (IF ANY):**

N/A

IV ANALYTICAL DATA:

A. ANALYTICAL REPORT INCLUDED? ☒ YES ☐ NO  
IF NO, EXPLAIN. \_\_\_\_\_

B. DATE OF ANALYSIS: MARCH 14, 15, 16, and 20, 1995

C. NAME(S) OF ANALYST(S): REFER TO ANALYSIS ATTACHED

D. ANALYTICAL METHODS USED: REFER TO ANALYSIS ATTACHED

E. 4-DAY OR 30-DAY AVERAGE INCLUDED? ☐ YES ☒ NO  
(IF APPLICABLE) \_\_\_\_\_

V TTO ANALYSIS INCLUDED? (IF APPLICABLE) ☒ YES ☐ NO  
TOMP INCLUDED? ☐ YES ☒ NO  
TOMP CERTIFICATION INCLUDED? ☐ YES ☒ NO

VI CERTIFIED STATEMENT:

ARE PRETREATMENT STANDARDS BEING MET?

☒ YES ☐ NO

IF NO, SPECIFY OPERATIONS OR MAINTENANCE FOR COMPLIANCE.  
\_\_\_\_\_  
\_\_\_\_\_

VII CERTIFICATION:

I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED IN THIS SIX MONTH REPORT. BASED UPON MY INQUIRY OF THOSE INDIVIDUALS DIRECTLY RESPONSIBLE FOR OBTAINING THIS INFORMATION, I BELIEVE THAT IT IS TRUE, CORRECT AND ACCURATE.

ADDITIONALLY, I CERTIFY THAT THE SAMPLING AND ANALYSIS CONDUCTED IS REPRESENTATIVE OF THE WASTEWATER WHICH IS DISCHARGED TO THE SEWER SYSTEM.

GARY D. BERNDT

(NAME OF AUTHORIZED REPRESENTATIVE)

Gary D. Berndt  
(SIGNATURE)

COMPLIANCE OFFICER  
(TITLE)

6 / 1 / 95  
(DATE)

# ACIS LABORATORIES

2600 CLIFFORD - DETROIT, MI. 48201  
(313) 964-3119 FAX (313) 964-1203

SPECIALISTS IN PETROLEUM TECHNOLOGY

REPORT #9503-4490  
REPORT DATE: 4-28-95

P.O.#Verbal

SYBILL, INC.,  
111 Military  
Detroit, MI 48209

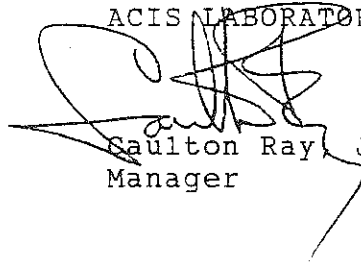
Attn: Mr. B. Madias

Sample of: Composite Discharge Effluent.

1. Sampling: Time Composite Grab
2. Time: During Discharge
3. Date: 3-13-95
4. Sampler: Esfir Lupya
5. Location: MH in sampling shack; 15' E of incinerator building  
3' N of N Containment Wall.
6. Permit #914-003
7. Analysts: DJ/CR/RR
8. Date of Analysis: 3-14-15-16-20-95

Results reported on attached pages.

ACIS LABORATORIES

  
Saulton Ray, Jr.,  
Manager

CR:rw

ACIS LABORATORIES  
2600 CLIFFORD - DETROIT, MI 48201

Sample I.D.: 9503-4490  
Sample Date: 3-13-95  
Sample Matrix: Water

PARAMETERS	METHOD	DETECTION LIMIT Mg/l	RESULTS Mg/l
* pH	150.1	0.05	6.4
Arsenic	206 3/5	0.005	=0.1
Cadmium	ICP	0.02	=0.1
Copper	ICP	0.02	=1.0
Chromium	ICP	0.04	1.2
Lead	ICP	0.05	0.64
Mercury	245.1	0.0004	=0.005
Nickel	ICP	0.04	=1.0
Silver	ICP	0.02	=0.1
Zinc	ICP	0.01	2.22
Iron	ICP	0.10	28
*Cyanide	335 1/2	0.20	=0.2
Phosphorous	424 D & F	1.0	12
Total Suspended Solids	160.2	1.0	2380
*Fats, Oil & Grease	413.1	1.0	1120
BOD/5 Day	405.1	1.0	5450
Phenols	420.1	0.010	0.28

\* Grab Sample

U - Not Detected at Method Detection Limit

= denotes less than

METHODS:

1. STD. METHODS OF WATER & WASTEWATER 17th Edition
2. EPA METHOD 600/4-79-020 Analysis of Water & Waste
3. CFR 40 - Part 136

## ACIS LABORATORIES

3630 CLIFFORD - DETROIT, MI 48201

Sample I.D.: 9503-4490

Sample Date: 3-13-95

Project Name: Water

Page -3-

TOXIC ORGANICS (111)U = Analyte not DetectedPURGEABLE COMPOUNDS:

1. Acrolein	U
2. Acrylonitrile	U
3. Benzene	U
4. Carbon Tetrachloride (Tetracloromethane)	U
5. Chlorobenzene	U
6. 1,2-Dichloroethane	U
7. 1,1,1-Trichloroethane	U
8. 1,1-Dichloroethane	U
9. 1,1,2-Trichloroethane	U
10. 1,1,2,2-Tetrachloroethane	U
11. Chloroethane	U
12. 2-Chloroethyl Vinyl Ether	U
13. Chloroform (Trichloromethane)	U
14. Tetrachloroethylene	U
15. Toluene	8.5 Ug/l
16. Trichloroethylene	U
17. Chloroethylene (Vinyl Chloride)	U
18. 1,1-Dichloroethylene	U
19. 1,2-Trans-Dichloroethylene	U
20. 1,2-Dichloropropane	U
21. 1,2-Dichloropropylene (1,3-Dichloropropylene)	U
22. Ethylbenzene	U
23. Dichloroethane (Methylene Chloride)	12 Ug/l
24. Chloromethane (Methyl Chloride)	U
25. Bromomethane (Methyl Bromide)	U
26. Tribromomethane (Bromoform)	U
27. Dichlorobromomethane	U
28. Chlorodibromomethane	U

-continued-

CIS LABORATORIES  
2800 CLIFFORD - DETROIT, MI. 48201

Sample I.D.: 9503-4490  
Sample Date: 3-13-95  
Project Name: Water

Page -4-

TOXIC ORGANICS (111)

U = Analyte not Detect

PURGEABLE COMPOUNDS:(continued)

29. Acenaphthene	-----	32
30. Acenaphthylene	-----	20
31. Anthracene	-----	20
32. Benzidine	-----	U

## ACIS LABORATORIES

2800 CLIFFORD - DETROIT, MI. 48201

Sample I.D.: 9503-4490

Sample Date: 3-13-95

Project Name: Water

Page -5-

TOXIC ORGANICS(111)U = Analyte not DetectedEXTRACTABLE COMPOUNDS:

33. Bis-(2-Chloroethoxy) ----- (Methane)	U
34. Bis-(Chloroethyl) Ether -----	U
35. Bis- (2-Chloroisopropyl) ----- (Ether)	U
36. Bis- (2-Ethylhexyl) ----- (Phthalate)	U
37. Butyl benyl phthalate -----	U
38. Chrysene -----	U
39. Di-n-butyl phthalate -----	U
40. Di-n-octyl phthalate -----	U
41. Diethyl phthalate -----	U
42. Dimethyl phthalate -----	U
43. Fluorene -----	U
44. Hxachlorobenzene -----	U
45. Hexachlorobutadiene -----	U
46. Hexachlorocyclopentadiene -----	U
47. Hexachloroethane -----	U
48. Isophorone -----	U
49. Naphthalene -----	46
50. Nitrobenzene -----	U
51. N-nitrosodimethylomine -----	U
52. N-nitrosodi-n-propylamine -----	U
53. N-nitrosodiphenylamine -----	U
54. Parachlorometa Cresol -----	U
55. Pentachlorophenol -----	U
56. Phenanthrene -----	U
57. Phenol -----	0.28 Mg/1
58. Pyrene -----	U
59. 1,2,4-Trichlorobenzene -----	U
60. 2-Chloronaphthalene -----	U
61. 2,4,6-Trichlorophenol -----	U
62. 2-Chlorophenol -----	U

-continued-

# ACIS LABORATORIES

2800 CLIFFORD - DETROIT, MI. 48201

Sample I.D.: 9503-4490

Sample Date: 3-13-95

Project Name: Water

Page-- 6-

## TOXIC ORGANICS(111)

U=Analyte not Detected

### EXTRACTABLE COMPOUNDS:

63. 1,2-Dichlorobenzene	-----	U
64. 1,3-Dichlorobenzene	-----	U
65. 1,4-Dichlorobenzene	-----	U
66. 1,2-Benzanthracene (Benzo (a) anthracene)	-----	U
67. 3,4-Benzopyrene (Benzo (a) pyrene)	-----	U
68. 3,4-Benzofluoranthene (Benzo (b) fluoranthene)	-----	U
69. 11,12-Benzofluoranthene (Benzo (k) fluoranthene)	-----	U
70. 1,12-Benzoperylene (Benzo(ghi) perylene)	-----	U
71. 1,2,5,6-Dibenzanthracene (Dibenzo (a,h) anthracene)	-----	U
72. 2,3,0-Phenylene pyrene (Indeno (1,2,3-cd)Pacene)	-----	U
73. 3,3-Dichlorobenzidine	-----	U
74. 2,4-Dichlorophenol	-----	U
75. 2,4-Dimethylphenol	-----	U
76. 4-Chlorophenyl Phenyl (Ether)	-----	U
77. 4-Bromophenyl Phenyl (Ether)	-----	U
78. 2-Nitrophenol	-----	U
79. 4-Nitrophenol	-----	U
80. 2,4-Dinitrophenol	-----	U
81. 4,6-Dinitro-o-cresol	-----	U
82. 2,4-Dinitrotoluene	-----	U
83. Aldrin	-----	U
84. Dieldrin	-----	U
85. Chlordane (technical mixture and metabolites)	-----	U
86. 4,4-DDT	-----	U
87. 4,4-DDE(p,p-DOX)	-----	U

(continued)

## ACIS LABORATORIES

2800 CLIFFORD - DETROIT, MI. 48201

Sample I.D.: 9503-4490

Sample Date: 3-13-95

Project Name: Water

TOXIC ORGANICS (111)U=Analyte not DetectedEXTRACTABLE COMPOUNDS:

88. 4,4-DDO (P,P-TDE)	-----	U
89. Alpha-endosulfan	-----	U
90. Beta-endosulfan	-----	U
91. 2,6-dinitrotoluene	-----	U
92. 1,2-diphenylhydrazine	-----	U
93. Fluoranthene (BHC/Heptachlor epoxide)	-----	U
94. Hexachlorocyclohexane (BHC/Heptachlor epoxide)	-----	U
95. Alpha-BHC	-----	U
96. Beta-BHC	-----	U
97. Gamma-BHC	-----	U
98. Delta-BHC	-----	U
99. Polychlorinated biphenyls PCB-1242 (Arochlor 1242)	-----	U
100. PCB-1254 (Arochlor 1254)	-----	U
101. PCB-1221 (Arochlor 1221)	-----	U
102. PCB-1232 (Arochlor 1232)	-----	U
103. PCB-1248 (Arochlor 1248)	-----	U
104. PCB-1260 (Arochlor 1260)	-----	U
105. PCB-1016 (Arochlor 1016)	-----	U
106. Toxaphene	-----	U
107. 2,3,7,8-tetrachlorodibenzo p-dioxin (TCDD)	-----	U
108. Endosulfan Sulfate	-----	U
109. Endrin	-----	U
110. Endrin Aldehyde	-----	U
111. Heptachlor	-----	U

# ACIS LABORATORIES

2600 CLIFFORD - DETROIT, MI. 48201  
(313) 964-3119 FAX (313) 964-1203

SPECIALISTS IN PETROLEUM TECHNOLOGY

REPORT #: E-095-16  
REPORT DATE: 8-24-95

P.O.#: Verbal

SYBILL, INC.,  
111 Military  
Detroit, MI 48209

Attn: Mr. Gary Berndt

Sample of: Discharge- 6-13-95  
Samples taken by Sybill, Inc., Personnel.

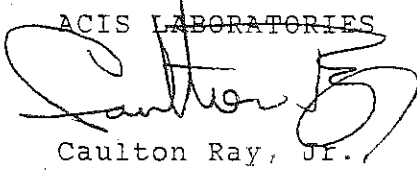
Services Requested: Perform Analysis to determine:

DWSD PARAMETERS

Dates of Analysis: 6-14-15-19-95  
Analysts: CR/DJ

Results reported on attached pages.

ACIS LABORATORIES

  
Caulton Ray, Jr.  
Manager

CR:rw

ACIS LABORATORIES  
2600 CLIFFORD DETROIT, MI 48201

SAMPLE I.D.: E-095-16  
SAMPLE DATE: 6-13-95  
SAMPLE MATRIX: Water

<u>PARAMETERS</u>	<u>METHODS</u>	<u>DETECTION LIMITS</u> MG/L	<u>RESULTS</u>
pH	150.1	0.05	6.4
ARSENIC	206 3/5	0.005	=0.1
CADMIUM	ICP	0.02	=0.1
COPPER	ICP	0.02	=1.0
CHROMIUM	ICP	0.04	=1.0
LEAD	ICP	0.05	0.40
MERCURY	245.1	0.0004	=0.001
NICKEL	ICP	0.04	=1.0
SILVER	ICP	0.02	=0.1
ZINC	ICP	0.01	1.0
IRON	ICP	0.10	30
*CYANIDE	335 1/2	0.20	=0.2
PHOSPHOROUS	424 D&F	1.0	24
TOTAL SUSPENDED SOLIDS	160.2	1.0	1050
*FATS, OILS & GREASE	413.1	1.0	1150
BOD/ 5 DAY	405.1	1.0	4650
PHENOLS		0.010	0.18

\*GRAB SAMPLE

U- NOT DETECTED AT METHOD DETECTION LIMIT

= DENOTES LESS THAN

METHODS:

1. STD. METHODS OF WATER AND WASTEWATER 17TH EDITION
2. EPA METHOD 600/4-79-020 ANALYSIS OF WATER AND WASTE
3. CFR 40- PART 136

ACIS LABORATORIES

CAULTON RAY JR.,  
MANAGER

## ACIS LABORATORIES

2000 CLIFFORD • DETROIT, MI 48201

Sample I.D.: E-095-16

Sample Date: 6-13-95

Project Name:

TOXIC ORGANICS (111)U = Analyte not DetectPURGEABLE COMPOUNDS:

1. Acrolein	U
2. Acrylonitrile	U
3. Benzene	U
4. Carbon Tetrachloride (Tetracloromethane)	U
5. Chlorobenzene	U
6. 1,2-Dichloroethane	U
7. 1,1,1-Trichloroethane	U
8. 1,1-Dichloroethane	U
9. 1,1,2-Trichloroethane	U
10. 1,1,2,2-Tetrachloroethane	U
11. Chloroethane	U
12. 2-Chloroethyl Vinyl Ether	U
13. Chloroform (Trichloromethane)	U
14. Tetrachloroethylene	U
15. Toluene	54 Ug/l
16. Trichloroethylene	20 Ug/l
17. Chloroethylene (Vinyl Chloride)	U
18. 1,1-Dichloroethylene	U
19. 1,2-Trans-Dichloroethylene	U
20. 1,2-Dichloropropane	U
21. 1,2-Dichloropropylene (1,3-Dichloropropylene)	U
22. Ethylbenzene	U
23. Dicloroethane (Methylene Chloride)	20 Ug/l
24. Chloromethane (Methyl Chloride)	U
25. Bromomethane (Methyl Bromide)	U
26. Tribromomethane (Bromoform)	U
27. Dichlorobromomethane	U
28. Chlorodibromomethane	U

-continued-

ACIS LABORATORIES

3800 CLIFFORD • DETROIT, MI. 48201

Sample I.D.: E-095-16

Sample Date: 6-13-95

Project Name:

TOXIC ORGANICS (111)

U = Analyte not Detec

PURGEABLE COMPOUNDS:(continued)

29. Acenaphthene	-----	240 Ug/1
30. Acenaphthylene	-----	300 Ug/1
31. Anthracene	-----	U
32. Benzidine	-----	U

## ACIS LABORATORIES

2800 CLIFFORD - DETROIT, MI. 48201

Sample I.D.: E-095-16

Sample Date: 6-13-95

Project Name:

TOXIC ORGANICS(111)U = Analyte not DetectedEXTRACTABLE COMPOUNDS:

33. Bis-(2-Chloroethoxy) (Methane) -----	U
34. Bis-(Chloroethyl) Ether -----	U
35. Bis- (2-Chloroisopropyl) (Ether) -----	U
36. Bis- (2-Ethylhexyl) (Phthalate) -----	U
37. Butyl benyl phthalate -----	U
38. Chrysene -----	U
39. Di-n-butyl phthalate -----	U
40. Di-n-octyl phthalate -----	U
41. Diethyl phthalate -----	U
42. Dimethyl phthalate -----	U
43. Fluorene -----	75 Ug/l
44. Hxachlorobenzene -----	U
45. Hexachlorobutadiene -----	U
46. Hexachlorocyclopentadiene -----	U
47. Hexachloroethane -----	U
48. Isophorone -----	U
49. Naphthalene -----	210 Ug/l
50. Nitrobenzene -----	U
51. N-nitrosodimethylomine -----	U
52. N-nitrosodi-n-propylamine -----	U
53. N-nitrosodiphenylamine -----	U
54. Parachlorometa Cresol -----	U
55. Pentachlorophenol -----	U
56. Phenanthrene -----	U
57. Phenol -----	0.18 Mg/l
58. Pyrene -----	U
59. 1,2,4-Trichlorobenzene -----	U
60. 2-Chloronaphthalene -----	U
61. 2,4,6-Trichlorophenol -----	U
62. 2-Chlorophenol -----	U

-continued-

## ACIS LABORATORIES

2800 CLIFFORD • DETROIT, MI. 48201

Sample I.D.: E-095-16

Sample Date: 6-13-95

Project Name:

Page--

TOXIC ORGANICS(111)U=Analyte not DetectedEXTRACTABLE COMPOUNDS:

63. 1,2-Dichlorobenzene	U
64. 1,3-Dichlorobenzene	U
65. 1,4-Dichlorobenzene	U
66. 1,2-Benzanthracene (Benzo (a) anthracene)	U
67. 3,4-Benzopyrene (Benzo (a) pyrene)	U
68. 3,4-Benzofluoranthene (Benzo (b) fluoranthene)	U
69. 11,12-Benzofluoranthene (Benzo (k) fluoranthene)	U
70. 1,12-Benzoperylene (Benzo(ghi) perylene)	U
71. 1,2,5,6-Dibenzanthracene (Dibenzo (a,h) anthracene)	U
72. 2,3,0-Phenylene pyrene (Indeno (1,2,3-cd)Pacene)	U
73. 3,3-Dichlorobenzidine	U
74. 2,4-Dichlorophenol	U
75. 2,4-Dimethylphenol	U
76. 4-Chlorophenyl Phenyl (Ether)	U
77. 4-Bromophenyl Phenyl (Ether)	U
78. 2-Nitrophenol	U
79. 4-Nitrophenol	U
80. 2,4-Dinitrophenol	U
81. 4,6-Dinitro-o-cresol	U
82. 2,4-Dinitrotoluene	U
83. Aldrin	U
84. Dieldrin	U
85. Chlordane (technical mixture and metabolites)	U
86. 4,4-DDT	U
87. 4,4-DDE(p,p-DOX)	U

(continued)

# ACIS LABORATORIES

2800 CLIFFORD - DETROIT, MI. 48201

Sample I.D.: E-095-16

Sample Date: 6-23-95

Project Name:

## TOXIC ORGANICS (111)

U=Analyte not Detected

### EXTRACTABLE COMPOUNDS:

88. 4,4-DDO (P,P-TDE)	U
89. Alpha-endosulfan	U
90. Beta-endosulfan	U
91. 2,6-dinitrotoluene	U
92. 1,2-diphenylhydrazine	U
93. Fluoranthene (BHC/Heptachlor epoxide)	U
94. Hexachlorocyclohexane (BHC/Heptachlor epoxide)	U
95. Alpha-BHC	U
96. Beta-BHC	U
97. Gamma-BHC	U
98. Delta-BHC	U
99. Polychlorinated biphenyls PCB-1242 (Arochlor 1242)	U
100. PCB-1254 (Arochlor 1254)	U
101. PCB-1221 (Arochlor 1221)	U
102. PCB-1232 (Arochlor 1232)	U
103. PCB-1248 (Arochlor 1248)	U
104. PCB-1260 (Arochlor 1260)	U
105. PCB-1016 (Arochlor 1016)	U
106. Toxaphene	U
107. 2,3,7,8-tetrachlorodibenzo p-dioxin (TCDD)	U
108. Endosulfan Sulfate	U
109. Endrin	U
110. Endrin Aldehyde	U
111. Heptachlor	U



CITY OF DETROIT  
WATER AND SEWERAGE DEPARTMENT  
LIVERNOS CENTER

RESPONSE  
ITEM 1

303 S. LIVERNOS AVENUE  
DETROIT, MICHIGAN 48209

February 20, 1995

Mr. Gary Berndt  
Sybill, Inc.  
111 Military  
Detroit, Michigan 48209

Dear Mr. Berndt:

Re: Comprehensive Inspection Report - Permit No. 914-003

The Detroit Water and Sewerage Department has completed its comprehensive inspection of your facility located at 111 Military in Detroit, on November 30, 1994 and has summarized its findings in the attached report.

Please review the attached report and notify the Department in writing within twenty days upon receipt of this report of any inaccurate information. Note that this report will become part of your facility's permanent compliance status in accordance with the requirements of the Industrial Pretreatment Program.

Please forward all requested information and/or inquiries to Mr. Thomas M. Thomas at the above address.

Should you have any questions, you may contact me at 297-9413.

Sincerely,

Joe Belen, P.E.  
Industrial Pretreatment Program

JB/TMT/bjs  
Attachment

### Purpose of Comprehensive Inspection

The Detroit Water and Sewerage Department (DWSD) is the approved Control Authority for the Industrial Pretreatment Program, and is required to conduct periodic facility inspection of all significant industrial users. DWSD is required to

... carry out all inspections, surveillance, and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users ...

The comprehensive inspection acts as a baseline for assessing the compliance status of your facility. The inspection report contains a summary of information gathered during the site visit. This information will be used in future permitting and program activities.

Should you contest any information in the inspection report, please contact us within twenty (20) days upon receipt of this report, or this report shall be final. The specific "review and appeal rights" are described in Section 56-3-67.1 of the City of Detroit Ordinance 23-86.

# COMPREHENSIVE INSPECTION REPORT

## I GENERAL INSPECTION INFORMATION

1. Engineer's Name	Thomas M. Thomas
Signature / Date	<u>Mhanna</u>
2. Phone Number	(313) 297-9478
3. Persons present during inspection	Gary Berndt
Title/Affiliation	Compliance Officer
Name	Mohamed Ahmed
Title/Affiliation	Plant Supervisor
Name	
Title/Affiliation	
Name	
Title/Affiliation	
4. CI Date/Time	November 30, 1994/1:30 PM
5. Date of last CI	November 4, 1993
6. Last inspected by	Ashutosh Rai

## II GENERAL FACILITY INFORMATION

1. Facility Name	Sybill, Inc.
2. Facility Address	111 Military
	Detroit, MI 48209
3. Mailing Address	Same
4. Duly Authorized Representative	Gary Berndt
Title	Compliance Officer
Phone Number	582-2520
5. Facility Contact	Mohamed Ahamed
Title	Plant Supervisor
Phone Number	841-6190
6. Permit Number	914-003
7. Expiration Date	September 1, 1996

### III SIGNIFICANCE TEST

- |  |              |     |              |    |
|--|--------------|-----|--------------|----|
| a) Process discharge >25,000 gpd   | <u>  X  </u> | YES | <u>    </u>  | NO |
| b) Process wastewater discharge<br>subject to the National Categorical<br>Pretreatment Standards | <u>    </u>  | YES | <u>  X  </u> | NO |
| c) Requires pretreatment to comply<br>with the Specific Pollutant<br>Limitations                 | <u>  X  </u> | YES | <u>    </u>  | NO |
| d) Presence of prohibited pollutants   | <u>  X  </u> | YES | <u>    </u>  | NO |
| e) Treatment, Storage, and Disposal<br>Facility  | <u>  X  </u> | YES | <u>    </u>  | NO |

If any item from a) to e) is YES, the company is classified as Significant IU.

### IV BUSINESS ACTIVITY INFORMATION

1. Nature of Business

Nonhazardous wastewater treatment and oil recycling

2. SIC Number 2992

3. Number of Employees 20

4. Schedule of Operation     8     hours/day

    5     days/week

    7     shift(s)/day

5. Does company have scheduled shutdown periods (maintenance purpose)?   X   YES      NO

6. How often are floors washed? Daily

What chemicals are used? Floor cleaners

7. How often are equipments washed? Daily

What chemicals are used? Detergents

8. Wastewater Generating Operations

Oil recycling

Floor washing

Equipment cleaning

9. The route(s) of wastewater generated from the pretreatment area lead to

☐ public sanitary sewer system (e.g. floor drains)  
☐ storm drain  
☐ ground  
☒ other, specify Floor pit and to treatment  
☐ not applicable, no possible discharge to any of the above routes.

If not applicable, explain the remedial action taken to prevent possibility of an unauthorized discharge

## V WATER USAGE / DISCHARGE INFORMATION

1. Water Sources ☒ municipal ☐ well ☐ other
2. Water usage data (last 12 months) \* 58,400 (M) gpd  
from December 19 93 to October 19 94
3. Type of Hauled-in waste ☐ Hazardous ☒ Nonhazardous
4. Hauled-in waste (Manifest data - last 12 months) \*  
from December 19 93 to November 19 94  
20,826,422 gal  
lb  
Ave. gpd (materials brought on site) # 69,400 (E) gpd  
\*\*\*

### 5. Water Flow Rates \*

<u>Type</u>	<u>Usage (gpd)</u>	<u>Discharge (gpd)</u>
a) Process	<u>58,000 (E)</u>	<u>58,000 (E)</u>
b) Hauled-in waste **	<u>-----</u>	<u>67,500 (E)***</u>
c) Non-contact Cooling water	<u>                    </u>	<u>                    </u>
d) Sanitary	<u>400 (E)</u>	<u>400 (E)</u>
e) Boiler feed / blowdown	<u>                    </u>	<u>                    </u>
f) Air pollution control **	<u>                    </u>	<u>                    </u>
g) Others <u>                    </u>	<u>                    </u>	<u>                    </u>
TOTAL Process Discharge		<u>125,500 (E)</u>
TOTAL Plant Discharge		<u>125,900 (E)</u>

\* specify whether measured (M) or estimated (E)

\*\* considered also as process water

\*\*\* 1900 gpd good oil (from bills of lading for last 3 months)

- VI WASTE TREATMENT/EFFLUENT COMPLIANCE INFORMATION

- 6 -

8. Does the IU maintain a record for its treatment system?   X   YES      NO

If YES, briefly describe the maintenance record of its treatment system.

Analyses of all parameters for every discharge which is required by the special Discharge Authorization.

If NO, explain why the IU does not need to keep any records of its waste treatment system.

9. Does the IU's waste treatment operation(s) generate sludge?   X   YES      NO

If YES, complete items 10-11; otherwise, proceed to item 11.

10. Describe the waste characterization of the generated sludge, its method of disposal, and waste haulers.

Facility generates nonhazardous sludge, which is hauled off site by NAVE, Inc.

11. Does the setup of the IU's treatment system have potential for bypass?      YES   X   NO

If YES, explain the remedial measures taken to prevent this occurrence.

## VII SELF-MONITORING REQUIREMENTS INFORMATION

1. Does the IU self-monitor?   X   YES      NO

If NO, explain

Please note that the Self-Monitoring Report consists of the analytical part and the descriptive part.

2. Frequency of sampling \*      Quarterly      Semiannually

\*Special discharge authorization requires the company to perform daily sampling.

3. Describe the Sampling Location(s) as listed on the IU's Wastewater Discharge Permit.

MH in sampling shack; 15' E. of incineration building, 3' N. of N. containment wall.

4. Are sampling location(s) on IU's Self-Monitoring Report same as above?   X   YES      NO

If NO, the Department again reminds the IU to utilize the above specified sampling location(s) on your Self-Monitoring Report.

## VIII SLUG DISCHARGE / SPILL PREVENTION PLAN INFORMATION

1. Does the IU need a Slug Control/Spill Prevention Plan (SC/SPP)?   X   YES      NO

If NO, explain

2. Does the SC/SPP need to be updated?   X   YES      NO

If YES, the Department requires the company to update its SC/SPP within 30 days upon receipt of this report.

3. Does the IU store chemicals on site?   X   YES      NO

4. Are there floor drains within / near the chemical storage area?   X   YES      NO

5. Are there wastes (liquid form) stored on site?   X   YES      NO

6. Is chemical containment needed?   X   YES      NO

If YES, explain.

Facility has secondary containment for the storage area and self-containment for the treatment area.

7. If the IU has chemical storage area and/or waste storage area, an accidental spill can lead to a discharge to:

- an on-site treatment system
- public sanitary sewer system (e.g. floor drains)
- storm drain
- ground
- X   other, specify   containments
- not applicable, no possible discharge to any of the above routes.

IX GENERAL COMMENTS

1. Is the IU aware of its Wastewater Discharge Permit requirements (monitoring, reporting, etc.)?   X   YES      NO

If NO, what are the points/issues discussed and actions taken?

2. Additional comments about the inspection:

- a. The company provided a new sampling location, which is as follows:

"MH on property; 10' W. of cooling tower, in line with S. wall.

- b. The SC/SPP shall be updated with respect to facility identification because of personnel changes.

ACIS LABORATORIES

2600 CLIFFORD - DETROIT, MI. 48201  
(313) 984-3119 FAX (313) 984-1203

SPECIALISTS IN PETROLEUM TECHNOLOGY

REPORT #: 9412-3311  
REPORT DATE: 1-4-95

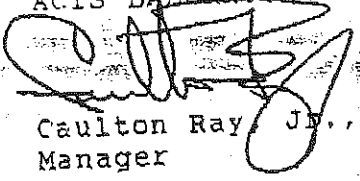
P.O.#: Verbal

SYBILL, INC.  
111 MILITARY  
DETROIT, MI 48209  
Attn: Mr. Bill Madias

Sample of: Composite Discharge Effluent.

1. Sampling: Time Composite Grab.
2. Time: During Discharge
3. Date: 12-15-94
4. Sampler: Robert Nelson
5. Location: MH in sampling shack; 15' E of incinerator building  
3' N. of N containment wall.
6. Permit #: 914-003
7. Analysts: DJ/CR/RR
8. Dates of Analysis: 1/16/19/21/94

ACIS LABORATORIES

  
Caulton Ray Jr.,  
Manager

CR.mr

ACIS LABORATORIES  
2800 CLIFFORD - DETROIT, MI 48201

Sample I.D.: 9412-3311  
Sample Date: 12-15-94  
Sample Matrix: Liquid

PARAMETERS	METHOD	DETECTION LIMIT Mg/l	RESULTS Mg/l
* pH	150.1	0.05	6.8
Arsenic	206 3/5	0.005	=0.1
Cadmium	ICP	0.02	1.2
Copper	ICP	0.02	=1.0
Chromium	ICP	0.04	1.02
Lead	ICP	0.05	0.40
Mercury	245.1	0.0004	=0.001
Nickel	ICP	0.04	=1.0
Silver	ICP	0.02	=0.1
Zinc	ICP	0.01	2.82
Iron	ICP	0.10	54
*Cyanide	335 1/2	0.20	=1.0
Phosphorous	424 D & F	1.0	38
Total Suspended Solids	160.2	1.0	1880
*Fats, Oil & Grease	413.1	1.0	1254
BOD/5 Day	405.1	1.0	7400
Phenols	420.1	0.010	0.38

\* Grab Sample

U - Not Detected at Method Detection Limit

METHODS:

1. STD. METHODS OF WATER & WASTEWATER 17th Edition
2. EPA METHOD 600/4-79-020 Analysis of Water & Waste
3. CFR 40 - Part 136

# ACIS LABORATORIES

2800 CLIFFORD ST DETROIT, MI. 48201

Sample I.D.: 9412-3311

Sample Date: 12-15-94

Project Name: Discharge

## TOXIC ORGANICS (111)

U = Analyte not Detect

### PURGEABLE COMPOUNDS:

1. Acrolein	U
2. Acrylonitrile	12
3. Benzene	U
4. Carbon Tetrachloride (Tetrachloromethane)	U
5. Chlorobenzene	U
6. 1,2-Dichloroethane	U
7. 1,1,1-Trichloroethane	U
8. 1,1-Dichloroethane	U
9. 1,1,2-Trichloroethane	U
10. 1,1,2,2-Tetrachloroethane	U
11. Chloroethane	U
12. 2-Chloroethyl Vinyl Ether	U
13. Chloroform (Trichloromethane)	U
14. Tetrachloroethylene	128
15. Toluene	U
16. Trichloroethylene	U
17. Chloroethylene (Vinyl Chloride)	U
18. 1,1-Dichloroethylene	U
19. 1,2-Trans-Dichloroethylene	U
20. 1,2-Dichloropropane	U
21. 1,2-Dichloropropylene (1,3-Dichloropropylene)	20
22. Ethylbenzene	18
23. Dichloroethane (Methylene Chloride)	U
24. Chloromethane (Methyl Chloride)	U
25. Bromomethane (Methyl Bromide)	U
26. Tribromomethane (Bromoform)	U
27. Dichlorobromomethane	U
28. Chlorodibromomethane	U

-continued-

ACIS LABORATORIES  
2000 CLIFFORD • DETROIT, MI. 48201

Sample I.D.: 9412-3311  
Sample Date: 12-15-94  
Project Name: Discharge

TOXIC ORGANICS (111)

U = Analyte not Detected

PURGEABLE COMPOUNDS: (continued)

29. Acenaphthene	-----	40
30. Acenaphthylene	-----	30
31. Anthracene	-----	U
32. Benzidine	-----	U

# ACIS LABORATORIES

2800 CLIFFORD DETROIT, MI. 48201

Sample I.D.: 9412-3311  
Sample Date: 12-15-94  
Project Name: Discharge

## TOXIC ORGANICS(111)

U = Analyte not Detected

### EXTRACTABLE COMPOUNDS:

33. Bis-(2-Chloroethoxy) (Methane)	U
34. Bis-(Chloroethyl) Ether	U
35. Bis-(2-Chloroisopropyl) (Ether)	U
36. Bis-(2-Ethylhexyl) (Phthalate)	U
37. Butyl benyl phthalate	20Ug/1
38. Chrysene	U
39. Di-n-butyl phthalate	U
40. Di-n-octyl phthalate	U
41. Diethyl phthalate	U
42. Dimethyl phthalate	12Ug/1
43. Fluorene	U
44. Hexachlorobenzene	U
45. Hexachlorobutadiene	U
46. Hexachlorocyclopentadiene	U
47. Hexachloroethane	U
48. Isophorone	40Ug/1
49. Naphthalene	U
50. Nitrobenzene	U
51. N-nitrosodimethylamine	U
52. N-nitrosodi-n-propylamine	U
53. N-nitrosodiphenylamine	U
54. Parachlorometa Cresol	U
55. Pentachlorophenol	U
56. Phenanthrene	3800 Ug/1
57. Phenol	U
58. Pyrene	U
59. 1,2,4-Trichlorobenzene	U
60. 2-Chloronaphthalene	U
61. 2,4,6-Trichlorophenol	32
62. 2-Chlorophenol	

-continued-

ACIS LABORATORIES  
3800 CLIFFORD DETROIT, MI. 48201

Sample I.D.: 9412-3311  
Sample Date: 12-15-94  
Project Name: Discharge

TOXIC ORGANICS (111)

U=Analyte not Detected

EXTRACTABLE COMPOUNDS:

88. 4,4-DDO (P,P-TDE)	U
89. Alpha-endosulfan	U
90. Beta-endosulfan	U
91. 2,6-dinitrotoluene	U
92. 1,2-diphenylhydrazine	U
93. Fluoranthene (BHC/Heptachlor epoxide)	U
94. Hexachlorocyclohexane (BHC/Heptachlor epoxide)	U
95. Alpha-BHC	U
96. Beta-BHC	U
97. Gamma-BHC	U
98. Delta-BHC	U
99. Polychlorinated biphenyls PCB-1242 (Arochlor 1242)	U
100. PCB-1254 (Arochlor 1254)	U
101. PCB-1221 (Arochlor 1221)	U
102. PCB-1232 (Arochlor 1232)	U
103. PCB-1248 (Arochlor 1248)	U
104. PCB-1260 (Arochlor 1260)	U
105. PCB-1016 (Arochlor 1016)	U
106. Toxaphene	U
107. 2,3,7,8-tetrachlorodibenzo p-dioxin (TCDD)	U
108. Endosulfan Sulfate	U
109. Endrin	U
110. Endrin Aldehyde	U
111. Heptachlor	U

ACIS LABORATORIES  
CLIFFORD • DETROIT, MI. 48201

Sample I.D.: 9412-3311  
Sample Date: 12-15-94  
Project Name: Discharge  
Page-

TOXIC ORGANICS(111)

U=Analyte not Detected

EXTRACTABLE COMPOUNDS:

63. 1,2-Dichlorobenzene	U
64. 1,3-Dichlorobenzene	U
65. 1,4-Dichlorobenzene	U
66. 1,2-Benzanthracene (Benzo (a) anthracene)	U
67. 3,4-Benzopyrene (Benzo (a) pyrene)	U
68. 3,4-Benzofluoranthene (Benzo (b) fluoranthene)	U
69. 11,12-Benzofluoranthene (Benzo (k) fluoranthene)	U
70. 1,12-Benzoperylene (Benzo(ghi) perylene)	U
71. 1,2,5,6-Dibenzanthracene (Dibenzo (a,h) anthracene)	U
72. 2,3,0-Phenylene pyrene (Indeno (1,2,3-cd)Pacene)	U
73. 3,3-Dichlorobenzidine	U
74. 2,4-Dichlorophenol	U
75. 2,4-Dimethylphenol	U
76. 4-Chlorophenyl Phenyl (Ether)	U
77. 4-Bromophenyl Phenyl (Ether)	U
78. 2-Nitrophenol	U
79. 4-Nitrophenol	U
80. 2,4-Dinitrophenol	U
81. 4,6-Dinitro-o-cresol	U
82. 2,4-Dinitrotoluene	U
83. Aldrin	U
84. Dieldrin	U
85. Chlordane (technical mixture and metabolites)	U
86. 4,4-DDT	U
87. 4,4-DDE(p,p-DOX)	U

(continued)

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
ENVIRONMENTAL SCIENCES DIVISION  
EASTERN DISTRICT OFFICE

RCRA Used Oil Inspection Report

I. FACILITY NAME AND ADDRESS

Sybill, Inc.  
111 Military Avenue  
Detroit, Michigan 48209-4102

II. DATE OF INSPECTION

March 2, 1995

III. PARTICIPANTS

A. Sybill, Inc.

Mohamed Ahmed, plant supervisor  
telephone number: 313/841-6190  
Fira Lupyan, chemist

B. Sybill, Inc./NAVE, Inc.

Gary Berndt, compliance officer  
telephone number: 313/582-2520

C. U.S. Environmental Protection Agency - EDO

Mark E. Conti, environmental engineer

D. Michigan Department of Natural Resources - Waste  
Management Division

Tim Sonnenberg, environmental quality analyst

IV. OBJECTIVE

The objective of the inspection was to gather specific information needed by the requester to determine the facility's compliance status with respect to RCRA Subchapter I.

V. INTRODUCTION

During the inspection, I looked at the facility's waste and wastewater treatment processes, inventoried oil and wastewater stored at the plant, reviewed shipping receipts, and reviewed sampling data.



Bill of LADING # 14312 and # 1254 is attached  
to Inspection Report

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
EASTERN DISTRICT OFFICE  
25089 CENTER RIDGE ROAD  
WESTLAKE, OH 44145

June 6, 1995

MEMORANDUM

**SUBJECT:** RCRA Used Oil Inspection - Sybill, Inc., Detroit,  
Michigan, (AGD201:IA)

**FROM:** Mark E. Conti, <sup>MEC</sup>Environmental Engineer

**THRU:** A. R. Winklhofer, Chief  
Eastern District Office (SE-W) *[Signature]*

**TO:** RCRA Enforcement Branch (HRE-8J)

**ATTN:** Joseph Boyle, Chief

On March 2, 1995, I conducted a RCRA used oil inspection at Sybill, Inc. (111 Military Avenue, Detroit, Michigan). The inspection was done in response to Sue Brauer's request. A summary of my findings is attached. The inspection was conducted concurrent with a total facility air inspection, industrial user compliance evaluation inspection, PCB sampling inspection, SPCC inspection, and multimedia screening inspection, which were done in response to requests from the respective program offices. Findings from those inspections are addressed in separate reports. If you have any questions regarding my findings, please contact me at 216/522-7260.

Attachments

c: Roger Grimes (CM-3T)



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## VI. BACKGROUND

Sybill treats wastewater, oil emulsions, and used oil. The facility has storage tanks, treatment tanks, chemical tanks, a wastewater discharge tank, and a laboratory.

## VII. SUMMARY OF FINDINGS

### A. Name and Ownership of Company

The records which I reviewed showed that used oil has only been sold under the company name Sybill, Inc. Waste shipments received at Sybill are delivered by NAVE, Inc. Sybill and NAVE are owned by Vasilios C. Madias.

### B. Waste Treatment

Figure 1 (Attachment 1) is a layout of the facility. Table 1 is an inventory of the wastewater and oil that was on site at the time of the inspection. In addition to wastewater and oil, the facility had about 20 cubic yards of sludge in a roll-off box in the treatment building.

Tanks 1-4 are used to store incoming wastewater and oil. Tanks 9, 11, 12, and 14 are used to split oil and water emulsions. Tanks 15-17 are used to treat oil and hold reclaimed oil. Tank 10 is used for wastewater treatment, and Tank 5 is a wastewater discharge tank. Separators 1 and 2 are oil/water separators.

Treatment of waste varies from shipment to shipment. Sybill tests the treatability of each batch of waste that will be processed. A sample is treated in the lab with aluminum sulfate, sulfuric acid, and sodium metasilicate pentahydrate to determine which chemical is most effective at separating water and solids from the oil. When the waste is processed, chemicals are added in the ratios they were added during the bench scale test. Heat is used during processing to physically separate water and oil.

Wastewater is pumped into Separator 1. The water phase is pumped to Tank 10 for pH adjustment with sulfuric acid. Tank 10 is also heated. Neutralized wastewater is further separated in Separator 2. From Separator 2, the water is pumped to Tank 5. The wastewater in Tank 5 is discharged to the Detroit Wastewater Treatment Plant. Figure 2 (Attachment 1) shows the flow of wastewater through the facility.

TABLE 1

## Inventory of Wastewater and Oil Storage At Sybill During

<u>Tank</u>	<u>Volume</u>	<u>Description</u>	<u>Contents During Inspection</u>
1	250,000 gal	storage of incoming wastewater and oil	~200k gal, 40-50% oil
2	250,000 gal	storage of incoming wastewater and oil	~225k gal, 40-50% oil
3	360,000 gal	storage of incoming wastewater and oil	full, 40-50% oil
4	360,000 gal	storage of incoming wastewater and oil	full, 40-50% oil
5	180,000 gal	wastewater discharge tank	full, ~2000 gal oil
9	10,000 gal	oily wastewater treatment tank	full, 2-30% oil
10	14,000 gal	wastewater treatment tank	full, water
11	30,000 gal	oily wastewater treatment tank	full, 2-30% oil
12	30,000 gal	oily wastewater treatment tank	full, 2-30% oil
14	10,000 gal	oily wastewater treatment tank	full, 2-30% oil
15	11,000 gal	oil treatment tank	~8000 gal oil
16	11,000 gal	oil treatment tank	~8000 gal oil
17	11,000 gal	oil treatment tank	~8000 gal oil
S1	<2,000 gal	oil/water separator tank	full, ~500 gal oil
S2	4,000 gal	oil/water separator tank	full, ~1000 gal oil

Oily wastewater and oil and water emulsions are placed into Tanks 9, 11, 12, or 14. The oil fraction is split and separated from the water fraction with indirect steam heat and aluminum sulfate, sulfuric acid, or sodium metasilicate pentahydrate. The water fraction is pumped to Tank 10 and the oil is pumped to Tank 15 or 16. Oil that is pumped from Tanks 9, 11, 12, and 14 to Tanks 15 and 16 is further treated with aluminum sulfate or sulfuric acid. Tanks 15 and 16 are also heated to facilitate separation of oil and water. The water from Tanks 15 and 16 is pumped to Tank 10.

Used oil is placed in Tank 17. Oil and water are separated by heating the oil to 180-200°F. The water is removed and pumped into Tank 10.

Sludge from the process tanks and separators is loaded into a roll-off box and stabilized with aluminum sulfate. It is then solidified with lime. The solidified sludge is disposed at a landfill.

#### C. Wastestream Characterization

From the records that I reviewed, it appears that at least 90 percent of the waste oil received at Sybill comes from Rouge Steel. Rouge Steel's waste oil comes from the tandem mill and pickling lines. Other generators that have shipped waste oil and/or wastewater to Sybill include Hygrade (waste grease and water), LTV Steel (tramp oil), City of Owasso (waste oil), and Ohigara (oily water). Shipments are not accompanied by uniform hazardous waste manifests.

Waste shipments received at Sybill are "fingerprinted" for color match, pH, flash point, and oil/water ratios. The generators listed above provided Sybill with one-time sample results for PCBs, ignitibility, corrosivity, reactivity, and the toxicity characteristic using the Toxicity Characteristic Leaching Procedure (TCLP). Rouge Steel's analysis report showed that the #7C Tandem Mill waste oil exceeded the regulatory level for chlordane and heptachlor. The #7A C M Pickling Line waste oil exceeded the regulatory level for barium. The analysis report is in Attachment 2. The wastes from the other generators did not exhibit any of the characteristics of hazardous waste. Additionally, no PCBs were detected by the generators.

D. Fate of Used Oil and Processed Used Oil

Sybill processes used oil as described in Paragraph VII.B. The facility does not burn any oil in-house. Process steam is generated with a portable gas-fired boiler, which is operated by a contractor.

According to Mr. Ahmed, Sybill did not market used oil prior to mid-February 1995. Before mid-February, processed used oil was sold or given to other marketers. The primary recipient of Sybill's used oil has been Michigan Marine Terminal in River Rouge, Michigan. An example of Sybill's shipping receipt and Michigan Marine Terminal's sales receipt are in Attachment 3. Attachment 3 also includes laboratory data and a receipt for processed used oil sold to Warner Petroleum.

In February 1995, Sybill marketed processed used oil to two companies. On February 14, 1995, Sybill sold 8,500 gallons of processed used oil to Usher Oil Company, 9000 Roselawn, Detroit, Michigan 48204. The oil was sold as #4 fuel oil. Additionally, Sybill's shipping receipt described the oil as on-specification oil. Mr. Ahmed did not know whether the oil would be used as a fuel or a lubricant. On February 23, 1995, Sybill gave 4,000 gallons of processed used oil to Buck's Oil Company, Inc., 30110 Beverly, Romulus, Michigan 48174. The oil was marketed as #4 fuel oil. Sybill's shipping receipt described the oil as on-specification oil. Mr. Ahmed did not know whether the oil would be used as a fuel or a lubricant. Buck's Oil Company's bill of lading included a notation that the used oil was subject to 40 CFR Part 266. The receipts and bills of lading for both transactions are in Attachment 4.

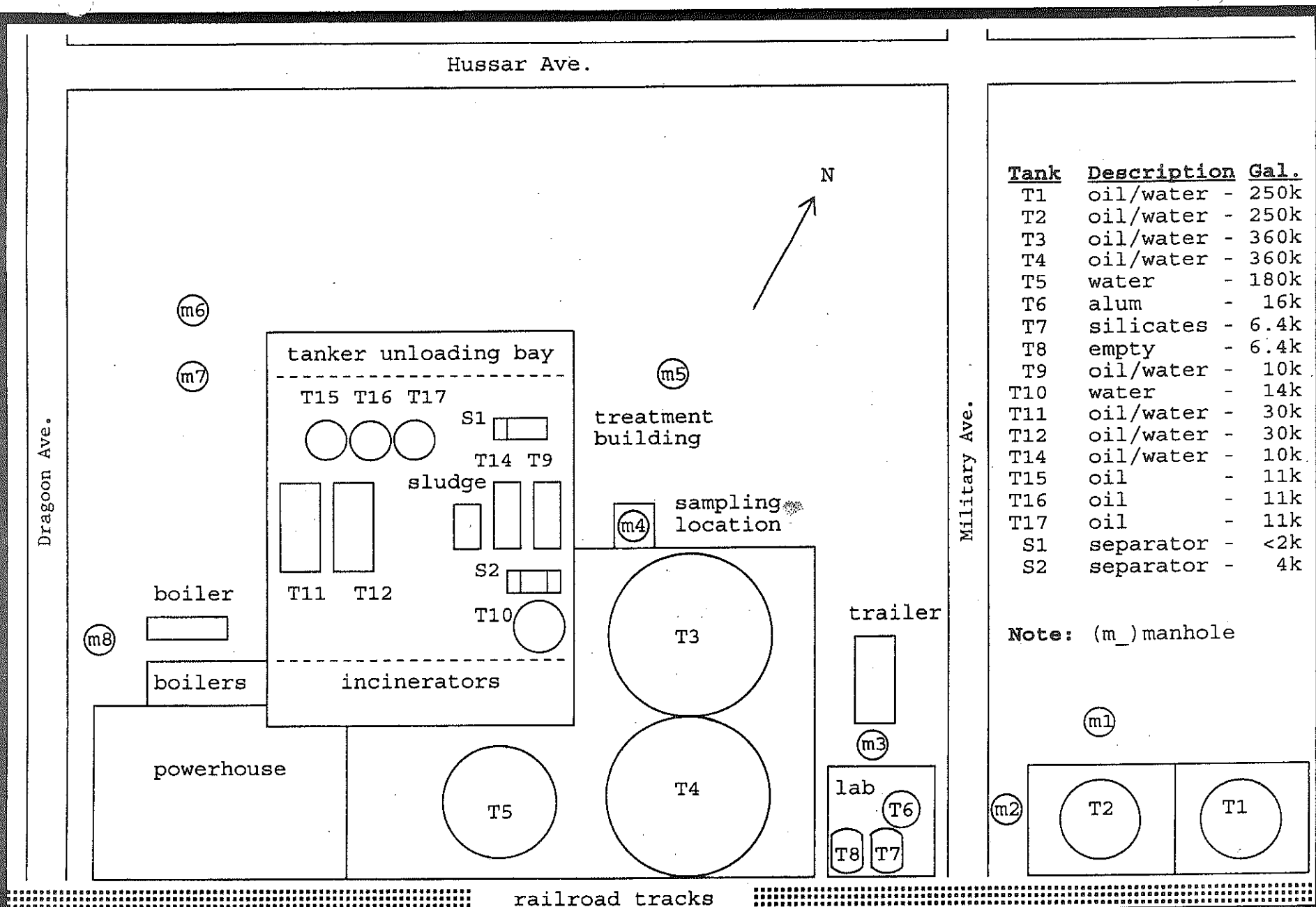
E. Used Oil Specifications

Mr. Ahmed told me that Usher Oil Company and Buck's Oil Company were provided with results of oil samples prior to delivery. On February 6, 1995, Sybill submitted a sample of oil (#4 fuel oil) to ACIS Laboratories for total metals and PCBs (total arochlor) analyses. The results are in Attachment 5. In addition to supplying metals and PCBs results, the receipt for oil given to Buck's Oil Company includes the flash point. The receipt is in Attachment 5.

# LIST OF ATTACHMENTS

<u>ATTACHMENT NUMBER</u>	<u>DESCRIPTION</u>
1	Figures 1 and 2
2	Sample Report for Rouge Steel's Waste Oil
3	Select Shipping Receipts and Lab Data Associated with Sales to Michigan Marine Terminal and Warner Petroleum
4	Receipts and Bills of Lading for Used Oil Marketed to Usher Oil Company and Buck's Oil Company
5	Used Oil Specifications

# ATTACHMENT 1



<u>Tank</u>	<u>Description</u>	<u>Gal.</u>
T1	oil/water	- 250k
T2	oil/water	- 250k
T3	oil/water	- 360k
T4	oil/water	- 360k
T5	water	- 180k
T6	alum	- 16k
T7	silicates	- 6.4k
T8	empty	- 6.4k
T9	oil/water	- 10k
T10	water	- 14k
T11	oil/water	- 30k
T12	oil/water	- 30k
T14	oil/water	- 10k
T15	oil	- 11k
T16	oil	- 11k
T17	oil	- 11k
S1	separator	- <2k
S2	separator	- 4k

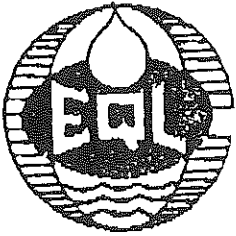
Note: (m\_) manhole

Figure 1. Layout of Sybill, Inc.

Not to scale.  
M. Conti 04/07/95



## ATTACHMENT 2



# ENVIRONMENTAL QUALITY LABORATORIES, INC.

44075 Phoenix Drive  
Sterling Heights, Michigan 48314-1420  
(313) 731-1818  
Outside Michigan Dial 1-800-368-5227  
Fax Line 313-731-2590

CLIENT: MPC ENVIRONMENAL  
8631 W. JEFFERSON AVE.  
DETROIT, MI 48209

SAMPLE NO. 2704

SAMPLE DESCRIPTION: JOB # 9736, ROUGE STEEL CO.  
6907 #7C TANDEM MILL OIL

Date Reported: 4/12/93

Date Received: 3/24/93

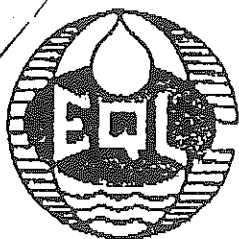
TCLP  
PESTICIDES/HERBICIDES  
METHOD 8080/8150

EPA HW#	CONSTITUENT	CONCENTRATION mg/L	REGULATORY LEVEL (mg/L)
PESTICIDES			
D020	CHLORDANE	2.30	0.03
D012	ENDRIN	*LESS THAN 0.010	0.02
D031	HEPTACHLOR	0.020	0.008
	(& epoxide)	0.013	
D013	LINDANE	0.084	0.4
D014	METHOXYCHLOR	LESS THAN 0.010	10.0
D015	TOXAPHENE	LESS THAN 0.010	0.5
HERBICIDES			
D016	2,4-D	LESS THAN 10	10.0
D017	2,4,5-TP	LESS THAN 1.0	1.0
	(SILVEX)		

\*NOTE: TERM LESS THAN DENOTES DETECTION LIMIT OF TEST.

James Tomalia, Laboratory Supervisor

C. Bloom, Assistant Laboratory Supervisor



# ENVIRONMENTAL QUALITY LABORATORIES, INC.

44075 Phoenix Drive  
Sterling Heights, Michigan 48314-1420  
(313) 731-1818  
Outside Michigan Dial 1-800-368-5227  
Fax Line 313-731-2590

MPC ENVIRONMENTAL  
GROUNDWATER SERVICES  
8631 W. JEFFERSON AVE  
DETROIT, MI 48209

DATE RESUBMITTED: 5/3/93  
DATE REPORTED: 4/12/93  
DATE RECEIVED: 3/24/93  
LAB NO: 2702

DESCRIPTION AND SAMPLE NUMBER: ROUGE STEEL CO.  
6905 #7A C M PICKLING LINE OIL

SAMPLE MATRIX:

REPORT OF ANALYSIS

"REVISED REPORT"\*\*\*

TCLP EXTRACTION - LEACHATE  
(all results in ppm or mg/l)

EPA  
STANDARDS  
(ppm or mg/l) METHOD  
SW 846-B

EPA HW#

D004	ARSENIC	=	LESS THAN 0.10	5.0	6020
D005	BARIUM	=	1273	100.0	6020
D006	CADMIUM	=	1.0	1.0	6020
D007	CHROME, TOT.	=	1.0	5.0	6020
	COPPER	=	LESS THAN 1.0	100.0	6020
D008	LEAD	=	1.4	5.0	6020
D009	SILVER	=	LESS THAN 1.0	0.2	7470
D010	ZINC	=	16.5	1.0	6020
D011	SELENIUM	=	LESS THAN 0.5	5.0	6020
	MURCURY	=	LESS THAN 0.2	500.0	6020

IGNITABILITY = GT 212°F

CORROSIVITY (pH) = 5.0

BELOW 140 DEGREE F  
SEC. 2.1.1 1010  
LESS THAN OR = TO 2 OR  
GREATER THAN OR = 12.5 9040

REACTIVITY

AS REACTIVE CYANIDE = LESS THAN 1.0 mg/kg 9010  
AS REACTIVE SULFIDE = LESS THAN 10.0 mg/kg 9030

TOTAL HALOGENS (TX) = LESS THAN 0.10 % D808

\*NOTE: TERM LESS THAN DENOTES DETECTION LIMIT OF TEST.

\*\*NOTE: "TX" RESULT WAS ORIGINALLY INCORRECTLY REPORTED AS "TOTAL CHLORINE".

\*\*\*NOTE: SAMPLE DESCRIPTION CORRECTED TO MATCH CHAIN OF CUSTODY.

JAMES TOMALIA, LAB SUPERVISOR

C. BLOOM, ASSISTANT LAB SUPERVISOR

REFERENCES: SW 846. ALL CURRENT EDITIONS.

tc

## ATTACHMENT 3

# SYBILL, INC.

WASTE TREATMENT CENTER  
111 MILITARY  
DETROIT, MICHIGAN 48209  
TELEPHONE: (313) 841-6190

SHIPPER #	69
DATE:	1.16.95

MICHIGAN MARINE TERMINAL  
RIVER ROUGE, MI

QTY

[ ] TYPE OF MATERIAL: UNSPEC E.P.A. FUEL

[ ] GALLONS: 8,500

MANIFEST # EPA of special

Post-it* Fax Note	7671	Date	1.17.95	# of pages	▶
To	Dave Robinson		From	Sybill	
Co./Dept.			Co.		
Phone #			Phone #	841-6190	
Fax #	841-8008		Fax #	841-6446	

REMITT ADDRESS:  
P.O. BOX 5006  
DEARBORN, MICHIGAN 48128

DRIVER Kirk

TRANSPORTER: NAVE INC. TRUCK # -----

COUNTER SIGNATURE -----

SHIPPER SIGNATURE -----

ORIGINAL  
**Michigan Marine Terminals**

DATE 1/18/95 No. 14312

P.O. NO. \_\_\_\_\_ REL NO. \_\_\_\_\_

SOLD TO:

*LOAD FROM SYBILL*

TIME  
IN/OUT

SHIP TO:

*FOR THE ACCOUNT OF  
ES&R*

B/L #

*#69*

METERED GALS.	TEMP. DEG.	PRODUCT DESCRIPTION	
		DIESEL FUEL	
		# FUEL OIL	
		#400 OIL	
<i>6443</i>	<i>78°</i>	<i>#6 EPA ON SPEC FUEL</i>	
Placard & UN No. If needed: (HM)		<input type="checkbox"/> 1993 Combustible	<input type="checkbox"/> 1203 Flammable
API		SULPHUR	

SPECIAL INSTRUCTIONS

Terminal Worker <i>KH</i>	Tank No. <i>N/A</i>
Truck & Trailer No. <i>784 23</i>	Carrier <i>MMT</i>
YOUR SALE NO.	END DELIVERY

*TRAILER #23*

PREVIOUS SALE NO. \_\_\_\_\_ START DELIVERY \_\_\_\_\_

GROSS GALS:

*\* - Loaded directly onto  
Trailer #48.*

Driver  
Signature \_\_\_\_\_

RECEIVED QUANTITY, SHOWN ABOVE

Date	1/19/95
From	Drive. Terminal
Co.	MMT
Phone #	841-6100
Fax #	
To	Michigan
Co./Dept.	Sybill
Phone #	
Fax #	841-6446

Post-It Fax Note 7671

PICK - UP RECEIPT

SHIPPER #

506

DATE: 4/27/93

FROM: SYBILL, INC.

111 MILITARY

DETROIT, MI 48209

(313) 841-6190

TO: WARNER PETROLEUM  
DEARBORN, MI

GALLONS PICKED-UP 5500

TYPE OF PRODUCT ON Spec Oil

ACIS LAB

9304-2123

TRUCK #

8402-6211

DRIVER

Robert Johnson

SHIPPER

Robert Johnson

CONSIGNEE

# ACIS LABORATORIES

2600 CLIFFORD

DETROIT, MICHIGAN 48201

Phone: 313-964-5200

• 35 Years Experience In Consulting & Analytical Services

Sample Number

9304 - 2352

Purchase Order #

Date Recd

4/27/93

SYBILL

its:

Sample of: Recycled Oil - BATCH# 006 4/27/93

Services Requested:

B. S. Smith

Type Container:

Delivered By:

Signature

Received by:

Signature

Time:

Volume:

Blow \_\_\_\_\_ 12<sup>00</sup>/<sub>6</sub>

① Sediment 4<sup>00</sup>/<sub>6</sub>

② WATER 6

③ FATH/ANALYZER 24

*[Handwritten signature]*

## ATTACHMENT 4

**SYBILL, INC.**

WASTE TREATMENT CENTER  
111 MILITARY  
DETROIT, MICHIGAN 48209  
TELEPHONE: (313) 841-6190

SHIPPER #

076

DATE:

2.14.95

MICHIGAN MARINE TERMINAL  
RIVER ROUGE, MI

QTY

[ ] TYPE OF MATERIAL: UNSPEC E.P.A. FUEL

[ ] GALLONS:

8500 gal

MANIFEST #

EPA on Spec. oil

REMITT ADDRESS:

P.O. BOX 6006  
DEARBORN, MICHIGAN 48128

DRIVER

TRANSPORTER: H&W INC. TRUCK #

COUNTER SIGNATURE

SHIPPER SIGNATURE

Date	2.21.95	# of pages	7671
To	BESS	From	SYBILL, INC
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	582-2206	Fax #	841-6445

# USHER OIL COMPANY

... safely recycling since 1930

9000 ROSELAWN  
DETROIT, MICHIGAN 48204  
(313) 834-7055

Date 2/14/95

P.O. No. \_\_\_\_\_

Sybill, Inc.  
1117 Milford  
Detroit MI 48209  
313-841-6190

Bill To: \_\_\_\_\_

Pick up waste oil and water and transport to Usher Oil for disposal.

8500 GALS.

SPECIAL INSTRUCTIONS:

15,000 gallons / Oil

\_\_\_\_ HOURS

Signed By \_\_\_\_\_

Melanie

SYBILL, INC.

WASTE TREATMENT CENTER  
111 MILITARY  
DETROIT, MICHIGAN 48209  
TELEPHONE: (313) 841-6190

SHIPPER #

079

DATE:

7/23/85

MICHIGAN MARINE TERMINAL  
RIVER ROUGE, MI

QTY

[ ] TYPE OF MATERIAL: UNSPEC E.P.A. FUEL

[ ] GALLONS:

4000

MANIFEST #

oil

REMITT ADDRESS:

P.O. BOX 5006  
DEARBORN, MICHIGAN 48129

DRIVER

*D. [Signature]*

TRANSPORTER: NAVE INC. TRUCK #

111

COUNTER SIGNATURE

SHIPPER SIGNATURE

oil 97%

water 0.2%

solids 2.8%

Ash 0.35%

Fl of 7300

color: light brown



**Buck's Oil Co., Inc.**

1254

**Waste Oils  
Waste Waters**

.0110 Beverly  
Romulus, Michigan 48174

(313) 388-7555  
(313) 728-3280  
FAX No. (313) 753-9111

**☆☆ BILL OF LADING ☆☆**

DATE: February 23, 1995

CUSTOMER: Sybill, Inc.

CONTACT PERSON: Mohammad

ADDRESS: 111 Military

PHONE NUMBER: 313-841-6190

Detroit, MI 48209

SERVICE TIME: Left yard 10:45

LOAD TIME

ARRIVE

START

Finish

DIRECTIONS: \_\_\_\_\_

JOB DESCRIPTION: Transport recycled used oil from Sybill, Inc. to American Waste,  
44141 Yost Rd., Belleville, MI.

SPECIAL EQUIPMNT OR INSTRUCTIONS: This used oil is subject to EPA Regulations under  
40 CFR Part 266.

NUMBER OF GALLONS/DRUMS: 4000

TANKER NUMBER: 16

**☆☆ SIGNATURES ☆☆**

CUSTOMER: Moham

DRIVER: D. D. Dons

## ATTACHMENT 5

# ACIS LABORATORIES

2600 CLIFFORD - DETROIT, MI. 48201  
(313) 964-3119 FAX (313) 964-1203

SPECIALISTS IN PETROLEUM TECHNOLOGY

REPORT #9502-4420  
REPORT DATE: 2-10-95

P.O. #Verbal

SYBILL, INC.,  
111 Military  
Detroit, MI 48209

Attn: Mr. Bill Madias

Sample of: Fuel Oil #4- 2-6-95.

Services Requested: Perform Analysis to determine:

Metals- EPA 6010  
PCB- EPA 4059

Dates of Analysis: 2-7-8-9-95  
Analyst: CR/DJ

## Results:

### PARAMETER

### EPA 6010 PPM

Arsenic	-----1.5
Barium	-----3.0
Cadmium	-----1.0
Chromium	-----2.5
Copper	-----2.0
Lead	-----1.8
Nickel	-----1.0
Silver	-----1.0
Zinc	-----8.5
Iron	-----230

Note: = denotes less than.

PCB (Total Arochlor) -----N/D =1.0 PPM  
I - METHOD DETECTION LIMIT -----1.0 PPM

N/D denotes None Detected.

ACIS LABORATORIES

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION V

EASTERN DISTRICT OFFICE

STATE NOTIFICATION OF INSPECTION

Authority: \_\_\_\_\_ SECTION 114(d)(1)-CLEAN AIR ACT, AS AMENDED  
\_\_\_\_\_ CWA, \_\_\_\_\_ TSCA, ☒ RCRA, \_\_\_\_\_ SWDA

Source Name Sybill, Inc.

Address 111 Military Ave.

City Detroit

State Michigan

Person Notified Tim Sonnenberg

Title environmental quality analyst

Organization MDNR - Waste Mgt. Div.

Date of Notification 2-23-95

Planned Date of Inspection 3-2-95

Purpose of Inspection (compliance monitoring, Enforcement Division request etc.)

RCRA Enforcement Branch request (part of multimedia inspection)

Scope RCRA used oil inspection

Person Giving Notice Mark E. Conti

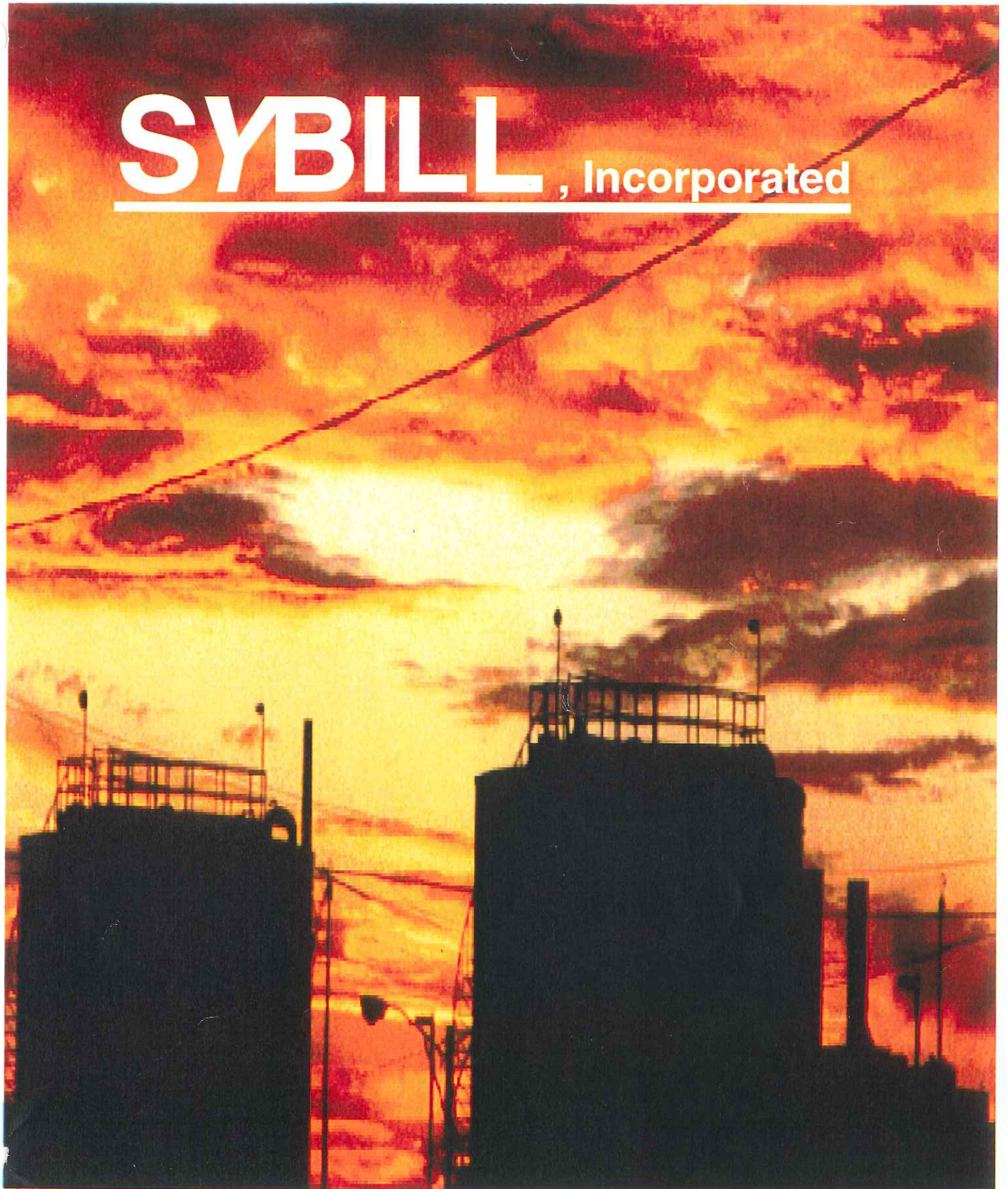
Title Environmental Engineer

Organization ESD/EDO

Mark E. Conti  
(signature)

(A copy of this notification must accompany each Air inspection report).  
For all other types of inspections include with file copy of report.

# SYBILL, Incorporated



RESPONSE ITEM(S)

1

**SYBILL, Incorporated**

111 Military, Detroit, MI 48209-4102  
Telephone: 313/841-6190 Facsimile: 313/841-6446

**Safeguarding our environment  
and our clients . . .**



**Waste Stream Processing  
Oil Recycling**

---

Administration: 440 Wyoming, Dearborn, MI 48126-3725 Telephone: 313/582-2520

## Waste Stream Processing and Oil Recycling Services

**SYBILL, Incorporated** is pleased to announce the opening of Detroit's newest and largest non-hazardous waste stream treatment and oil recycling facility. Located on a six acre parcel in Detroit's Empowerment district, this facility can process over 1 million gallons of waste water per week.

**SYBILL's** facility provides treatment services for a variety of non-hazardous waste streams. We accept for treatment, processing, disposal and recycling the following non-hazardous waste streams:

- |                            |                      |
|----------------------------|----------------------|
| - Spent Coolants and Oils  | - Landfill Leachates |
| - UST Rinse Waters         | - Sludges            |
| - Industrial Waste Liquids | - Excavation water   |

All waste streams processed at our facilities are subject to testing and characterization in order to comply with regulatory, operational and non-hazardous classification parameters. Each waste stream is analyzed prior to delivery and again prior to acceptance at **SYBILL's** facility.

Employing proprietary, best-available-technology and environmentally sound practices, this Wayne County and City of Detroit licensed facility can treat non-hazardous streams to meet municipal discharge parameters. By applying the "waste-to-energy" concept, **SYBILL's** waste treatment process reclaims, for sale, oils which meet "on-spec" fuel guidelines. The combination of our proprietary treatment process and the reclamation of usable fuel (oil) and/or "lube-stock" provides generators of these waste streams an environmentally sound, cost-effective disposal solution. **SYBILL, Incorporated** processes waste streams from the steel and automotive industries as well as from the utilities companies.

**SYBILL, Incorporated** provides complete waste stream processing services and products. We help clean-up waste spillage, we provide VAC tanker systems and we provide non-hazardous waste stream hauling services to our processing facility. We process waste streams and we deliver recycled oil products. We are your partner in environmentally responsible disposal practices and cost-effective solutions.

For information regarding our services, our treatment scheduling/pricing, inspections and/or tours of our facility, please contact us by telephone or FAX. If you have more immediate needs for waste stream disposal, our sales specialists would be most pleased to meet and discuss our capabilities and your requirements.

## **Waste Stream Process Plan**

In order to provide environmentally sound non-hazardous waste stream processing services and to meet governmental agencies requirements, **SYBILL, Incorporated** has established the following process plan for accepting any waste stream for treatment at our facility:

### **Step 1: Actions of the Generator**

Collect a physical sample of each waste type. Analyze the sample, complete and sign the "Generator Waste Characterization Report" for each waste type sample. See attached sample.

Submit the physical sample(s) and the corresponding report(s) to **SYBILL, Incorporated**.

### **Step 2: Waste Stream Review and Approval**

**SYBILL's** staff chemists will analyze each sample submitted and will compare the test results to the guidelines as shown in the attached "Waste Stream Specification Sheet". The Generator will be notified within two (2) working days of approval or rejection of the waste stream.

For all waste streams tested, reviewed and accepted, **SYBILL** retains the sample and report on file. It is strongly recommended that the Generator also retain a sample and report for their files.

### **Step 3: Deliver Waste Stream for Treatment**

**SYBILL** personnel will remove one (1) quart of the waste stream for "Fingerprint" testing. These test results (see attached sample "Fingerprint" form) will be compared to the specifications as provided in the "Generator Waste Characterization Report". The waste stream will be accepted for processing if the "Fingerprint" sample is a close match. If the sample is not a match, rejection of the waste stream is possible. Note: The "Fingerprint" sample will be analyzed for color, pH, flash point, odor, and oil/water ratios.

Per Act 451 in the State of Michigan, a completed Manifest or Bill of Lading is required with each load of waste stream delivered to **SYBILL's** facility. Prior to accepting the waste stream, **SYBILL** personnel must validate that these documents are complete and signed by the generator.

**SYBILL** personnel off-load the waste stream into our processing system and release the transporter. **SYBILL** maintains logbooks for all incoming waste streams. These logbooks include date, time-in, time-out, generator name, and volume of waste stream delivered. These logbooks are transcribed into our computer database for tracking and long term record keeping.

### **Step 4: Process the Waste Stream**

**SYBILL's** proprietary process utilizes heat and chemicals to treat the waste stream into water which can be safely discharged into the municipal system, oil which can be recycled and sludge products which can be safely disposed into landfills. All aspects of the process are monitored and logged. Extensive chemical tests are run and compliance to regulations is assured.

**SYBILL, Incorporated** has developed this process plan and totally enforces its components. Our goal in stringently following this process plan is to safeguard the environment, our clients and ourselves. As a Generator, you can help in this goal by adhering to this process plan. **Thank You !**

**GENERATOR WASTE CHARACTERIZATION REPORT**

Note: Separate report required for each waste stream.

Sample must be provided, tested and pre-approved

**1. GENERATOR INFORMATION**

USEPA ID # \_\_\_\_\_  
Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact \_\_\_\_\_  
Telephone ( ) - \_\_\_\_\_

**2. BILLING INFORMATION**

( If different than above)

Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact \_\_\_\_\_  
Telephone ( ) - \_\_\_\_\_

**3. TRANSPORTER INFORMATION**

USEPA ID # \_\_\_\_\_  
Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact \_\_\_\_\_  
Telephone ( ) - \_\_\_\_\_

**4. SHIPPING INFORMATION**

USEPA Hazardous \_\_\_\_\_ Yes \_\_\_\_\_ No  
USEPA Hazardous Waste Code \_\_\_\_\_  
DOT Shipping Name \_\_\_\_\_  
Hazardous Class \_\_\_\_\_ UN/NA # \_\_\_\_\_  
Shipment Method \_\_\_\_\_ Bulk \_\_\_\_\_ Drums  
\_\_\_\_\_ Other (describe) \_\_\_\_\_  
Shipping Frequency \_\_\_\_\_ per \_\_\_\_\_  
Qty Frequency

**5. SPECIAL HANDLING INFORMATION**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Accept \_\_\_\_\_ Reject \_\_\_\_\_  
Approval # \_\_\_\_\_

**6. WASTE CHARACTERIZATION**

Waste Common Name \_\_\_\_\_  
Description of Process Generating Waste: \_\_\_\_\_  
\_\_\_\_\_

Has Sample Been Collected &amp; Submitted ?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Constituent Composition Information

\_\_\_\_\_ % \_\_\_\_\_ %  
\_\_\_\_\_ % \_\_\_\_\_ %  
\_\_\_\_\_ % \_\_\_\_\_ %  
\_\_\_\_\_ % \_\_\_\_\_ %

Physical Characteristics ( at 70 F)

Color \_\_\_\_\_

\_\_\_\_\_ Solid \_\_\_\_\_ Liquid \_\_\_\_\_ Sludge

Free Liquids \_\_\_\_\_ Yes \_\_\_\_\_ No

If Liquid or Sludge- % of Solids \_\_\_\_\_

Multi Layered \_\_\_\_\_ Yes \_\_\_\_\_ No

Specific Gravity \_\_\_\_\_ Flashpoint\* \_\_\_\_\_

\_\_\_\_\_ Open Cup\* \_\_\_\_\_ Closed Cup pH \_\_\_\_\_

Volatile Organics:

\_\_\_\_\_ % Halogenated \_\_\_\_\_ % Non-Halogenated

Other Characteristics (Check any that apply)

\_\_\_\_\_ Reactive \_\_\_\_\_ Explosive \_\_\_\_\_ Shock

Cyanide \_\_\_\_\_ PPM Sulfide \_\_\_\_\_ PPM

EPToxic or TCLP \_\_\_\_\_

PCB's \_\_\_\_\_ PPM

\* Attach test results. Attach all supporting  
chemical analysis results.

\_\_\_\_\_ This waste is non-hazardous under  
USEPA and State of Michigan regulations.

**7. AUTHORIZATION ( Signature Required )**

I certify that the information on this form is complete  
and factual to the best of my knowledge.

Signature \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_  
Signature \_\_\_\_\_

**Waste Stream Fingerprint Test**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

GENERATOR: \_\_\_\_\_

TRANSPORTER: \_\_\_\_\_

SAMPLED BY: \_\_\_\_\_

**DESCRIPTION OF WASTE STREAM:**\_\_\_\_\_  
\_\_\_\_\_**CHEMICAL ANALYSIS**

Flashpoint: \_\_\_\_\_ pH: \_\_\_\_\_ Oil: \_\_\_\_\_ Water: \_\_\_\_\_

Reactivity: \_\_\_\_\_ Solids: \_\_\_\_\_ Rag: \_\_\_\_\_

Other:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tested By: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\*\*\*\*\*

**RESULTS**☐

Load Accepted - in spec. \_\_\_\_\_

☐

Load Rejected - out of spec. \_\_\_\_\_

"3.A"

RESPONSE ITEM 1

DESCRIPTION OF SERVICES AT SYBILL, INCORPORATED

A. SYBILL, INCORPORATED is a non-hazardous waste water treatment center located in Detroit, Michigan

Industrial treatment services can be provided for a variety of non-hazardous waste streams.

**Waste Types:**

Coolants/Oils  
UST Rinse Water  
Landfill leachates  
Industrial waste liquids

B. Prior to accepting any waste for treatment services at Sybill, Inc., the generator of each waste stream must provide the following:

1. The generator must complete and sign a "generator waste characterization report".
2. A physical sample of each waste type must be submitted with the report.
3. Following the review by SYBILL staff of each sample and report, the client will be notified within two (2) working days with approval or rejection of waste for treatment.
4. If accepted for treatment, waste report and the physical sample must be retained at SYBILL, INC. Also, the client should retain a report on file.

C. Along with requirements listed above, prior analysis of each waste stream must be submitted (Refer to attachment)

1. Annual sample analysis up-date are required along with a signed renewal certification by the generator

**SYBILL, INC.**  
**CUSTOMER SERVICE SHEET**

**REQUIRED SAMPLES FOR NON-HAZARDOUS WASTE WATER TREATMENT.**

1. PH - 2 - 12.5
2. Flash above >140  
Ignitability
3. Sulfide & Cyanide "reactivity"
4. PCB "Total"
5. TCLP "Metals" plus zinc & nickel (Michigan)
6. TCLP Volatile organics
7. Semi-volatile organics
8. Herbicides TCLP leachate method 8150
9. Chlorinated pesticides TCLP leachate method 8080
10. Complete SYBILL "Generator Waste Characterization Report"  
profile sheet with signature.
11. Sample of waste water to be treated.
12. For industrial waste streams generator may delete required  
herbicides item #8 and pesticides item #9 samples.
13. Industrial waste streams will also require total halogenated  
levels with oil present.

NOTE: UST ground water and leachates require all items listed  
above.

Sybill Inc.  
111 Military  
Detroit, MI 48209

New  
Date: 10/08/93  
Page No. 2  
Permit No. 914-003

**SECTION B: DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

Representative Sampling Location: MH in Sampling Shack; 15' E. of incinerator bldg., 3' N. of N. containment wall.

**Local Ordinance Limits**

<u>PARAMETER</u>	<u>DAILY MAXIMUM</u> <u>(mg/l)</u>	<u>SELF-MONITORING</u> <u>REQUIRED (Y/N)</u>
Total Arsenic (As)	1.0	Y
Total Cadmium (Cd)	2.0	Y
Total Copper (Cu)	4.5	Y
Total Cyanide (CN)	2.0	Y
Total Iron (Fe)	1000.0	Y
Total Lead (Pb)	1.0	Y
Total Mercury (Hg)	0.005	Y
Total Nickel (Ni)	5.0	Y
Total Silver (Ag)	2.0	Y
Total Chromium (Cr)	25.0	Y
Total Zinc (Zn)	15.0	Y
Total Toxic Organic (TTO)	*	Y
PCB - Arochlor 1260	0.0005	Y
Total PCB	0.001	Y
Phenol	0.5	Y
Fats, Oil, Grease (FOG)	2000	Y
Total Suspended Solids (TSS)	10000	Y
Biochemical Oxygen Demand (BOD)	10000	Y
Phosphorus (P)	500	Y
pH	5.0 - 10.5 (units)	Y

**Other Requirements:**

- (1) Compliance with the General Pollutant Prohibitions
- (2) pH between 5.0 - 10.0 (10.5 if alkalinity is less than 300 ppm)

All limitations are based on composite samples, except for FOG, CN, and pH, which are based on grab samples.

Please refer also to Sections C and D-3 regarding self-monitoring and reporting requirements.

\*Daily maximum limitation not finalized, self monitoring is required.

TOTAL TOXIC ORGANIC (TTO)

No.	PARAMETER TOXIC ORGANIC	No.	PARAMETER TOXIC ORGANIC	No.	PARAMETER TOXIC ORGANIC
++++	PURGEABLE COMPOUNDS	19	1,2-Trans-dichloroethylene	37	Bis (2-Chloroethoxy) methane
++++	++++	20	1,2-Dichloropropylene (1,2-Dichloropropene)	38	Bis (2-Chloroethyl) ether
1	Acrolein	21	1,3-Dichloropropylene (1,3-Dichloropropene)	39	Bis (2-Chloroisopropyl) ether
2	Acrylonitrile	22	Ethylbenzene	40	Bis (2-Ethylhexyl) phthalate
3	Benzene	23	Dichloromethane (Methylene Chloride)	41	Butyl benzyl phthalate
4	Carbon Tetrachloride (Tetrachloromethane)	24	Chloromethane (Methyl Chloride)	42	Chrysene
5	Chlorobenzene	25	Bromomethane (Methyl Bromide)	43	Di-n-butyl phthalate
6	1,2-Dichloroethane	26	Tribromomethane (Bromoform)	44	Di-n-octyl phthalate
7	1,1,1-Trichloroethane	27	Dichlorobromomethane	45	Diethyl phthalate
8	1,1-Dichloroethane	28	Chlorodibromomethane	46	Dimethyl phthalate
9	1,1,2-Trichloroethane	29	1,2-Dichlorobenzene	47	Fluorene
10	1,1,2,2-Tetrachloroethane	30	1,3-Dichlorobenzene	48	Hexachlorobenzene
11	Chloroethane	31	1,4-Dichlorobenzene	49	Hexachlorobutadiene
12	2-Chloroethyl vinyl ether	32	Xylene	50	Hexachlorocyclopentadiene
13	Chloroform (Trichloromethane)	++++	EXTRACTBLE COMPOUNDS	51	Hexachloroethane
14	Tetrachloroethylene	++++	++++	52	Isophorone
15	Toluene	33	Acenaphthene	53	Naphthalene
16	Trichloroethylene	34	Acenaphthylene	54	Nitrobenzene
17	Chloroethylene (Vinyl Chloride)	35	Anthracene	55	N-nitrosodimethylamine
18	1,1-Dichloroethylene	36	Benzidine		

## TOTAL TOXIC ORGANIC (TTO)

No.	PARAMETER TOXIC ORGANIC	No.	PARAMETER TOXIC ORGANIC	No.	PARAMETER TOXIC ORGANIC
56	N-nitrosodi-n-propylamine	75	2,4-Dichlorophenol	94	Fluoranthene
57	N-nitrosodiphenylamine	76	2,4-Dimethylphenol	95	Hexachlorocyclohexane (BHC) (BHC /Heptachlor epoxide)
58	Parachlorometa cresol	77	4-Chlorophenyl phenyl ether	96	Alpha-BHC
59	Pentachlorophenol	78	4-Bromophenyl phenyl ether	97	Beta-BHC
60	Phenanthrene	79	2-nitrophenol	98	Gamma-BHC
61	Phenol	80	4-Nitrophenol	99	Delta-BHC
62	Pyrene	81	2,4-Dinitrophenol	100	Polychlorinated biphenyls PCB-1242 (Arochlor 1242)
63	1,2,4-Trichlorobenzene	82	4,6-Dinitro-o-cresol	101	PCB-1254 (Arochlor 1254)
64	2-Chloronaphthalene	83	2,4-Dinitrotoluene	102	PCB-1221 (Arochlor 1221)
65	2,4,6-Trichlorophenol	84	Aldrin	103	PCB-1232 (Arochlor 1232)
66	2-Chlorophenol	85	Dieldrin	104	PCB-1248 (Arochlor 1248)
67	1,2-Benzanthracene (Benzo (a) anthracene)	86	Chlordane (technical mixture and metabolites)	105	PCB-1260 (Arochlor 1260)
68	3,4-Benzopyrene (Benzo (a) pyrene)	87	4,4-DDT	106	PCB-1016 (Arochlor 1016)
69	3,4-Benzofluoranthene (Benzo (b) fluoranthene)	88	4,4-DDE (p,p-DDX)	107	Toxaphene
70	11,12-Benzofluoranthene (Benzo (k) fluoranthene)	89	4,4-DDD (p,p-TDE)	108	2,3,7,8-Tetrachlorodibenzo- p-dioxin (TCDD)
71	1,12-benzoperylene (Benzo (ghi) perylene)	90	Alpha-endosulfan	109	Endosulfan sulfate
72	1,2,5,6-Dibenzanthracene (bibenzo (a,h) anthracene)	91	Beta-endosulfan	110	Endrin
73	2,3-o-phenylene pyrene (Indeno (1,2,3-cd) pyrene)	92	2,6-Dinitrotoluene	111	Endrin aldehyde
74	3,3-Dichlorobenzidine	93	1,2-Diphenylhydrazine	112	Heptachlor

INCORPORATED

ADMINISTRATIVE OFFICE  
400 TOWN CENTER, SUITE 300  
DEARBORN, MICHIGAN 48126  
TELEPHONE (313) 336-7750  
FAX (313) 336-7256

PLANT  
111 MILITARY  
DETROIT, MICHIGAN 48209  
TELEPHONE (313) 841-6190

## GENERATOR WASTE CHARACTERIZATION REPORT

Note: Separate reports required for each waste stream.  
Sample must be given prior to approval.

### 1 GENERATOR INFORMATION

USEPA ID # \_\_\_\_\_  
Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Telephone( ) \_\_\_\_\_

### 2 BILLING INFORMATION (If different from above)

Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Telephone( ) \_\_\_\_\_

### 3 TRANSPORTER INFORMATION

USEPA ID # \_\_\_\_\_  
Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Telephone( ) \_\_\_\_\_

### 4 WASTE CHARACTERIZATION

Waste Common Name \_\_\_\_\_  
Description of Process Generating Waste: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has Sample Been Submitted?  
\_\_\_\_ Yes \_\_\_\_ No

#### Constituent Composition Information

Major Constituents	Minor Constituents
_____ %	_____ %
_____ %	_____ %
_____ %	_____ %

### 4 (Continued)

#### Physical Characteristics (at 70 F.)

Color \_\_\_\_\_  
\_\_\_\_ Solid \_\_\_\_ Liquid \_\_\_\_ Sludge  
Free Liquids \_\_\_\_ Yes \_\_\_\_ No  
If Liquid or Sludge: % of Solids \_\_\_\_\_  
Multi Layered: \_\_\_\_ Yes \_\_\_\_ No  
Specific Gravity \_\_\_\_\_ Flash Point\* \_\_\_\_\_  
\_\_\_\_ Open Cup\* \_\_\_\_ Closed Cup PH \_\_\_\_\_  
Volatile Organics

\_\_\_\_ % Halogenated  
\_\_\_\_ % Non-Halogenated

#### Other Characteristics (Check any that apply)

\_\_\_\_ Reactive  
\_\_\_\_ Explosive  
\_\_\_\_ Shock Sensitive  
\_\_\_\_ Cyanide \_\_\_\_ ppm Sulfide \_\_\_\_ ppm  
\_\_\_\_ EPToxic or TCLP \_\_\_\_ PCB's \_\_\_\_ ppm  
\* (Attach Test Results)

\_\_\_\_ This waste is non-hazardous under USEPA and State of Michigan regulations.

\* Attach all supporting chemical analysis results.

### 5 SHIPPING INFORMATION

USEPA Hazardous \_\_\_\_ Yes \_\_\_\_ No  
USEPA Hazardous Waste Code \_\_\_\_\_  
DOT Shipping Name \_\_\_\_\_  
Hazardous Class \_\_\_\_\_ UN/NA# \_\_\_\_\_  
Method of Shipment \_\_\_\_ Bulk \_\_\_\_ Drums  
\_\_\_\_ Other (Describe) \_\_\_\_\_  
Shipping Frequency: \_\_\_\_ per \_\_\_\_  
quantity frequency

### 6 SPECIAL HANDLING INFORMATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 7 AUTHORIZATION (MUST be signed by generator)

I certify that all information on this form is complete and factual to the best of my knowledge.

Signature \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

Staff Use Only\*

\_\_\_\_ Accept \_\_\_\_ Reject  
Approval # \_\_\_\_\_

Comments:

Signature: \_\_\_\_\_

**SAMPLING - MONITORING REQUIREMENTS**

In order to meet "self-monitoring" requirements, SYBILL, INC. staff shall follow sample schedules out-lined below.

**A. TOTAL TOXIC ORGANIC (TTO)**

1. Two (2) "flow" samples will be collected over a twenty-four (24) hour period. Minimum sample volume is one (1) quart per sample.

**2. SCHEDULE**

JUNE 15  
SEPTEMBER 15  
DECEMBER 15  
MARCH 15

**B. METALS -PCB-PHENOL-(FOG)-(TSS)-(BOD)-(P)-(Ph)**

Total Arsenic (As)	Total Zinc (Zn)
Total Cadmium (Cd)	PCB - Arochlor 1260
Total Copper (Cu)	Total PCB
Total Cyanide (CN)	Phenol
Total Iron (Fe)	Fats, Oil, Grease (FOG)
Total Lead (Pb)	Total Suspended Solids (TSS)
Total Mercury (Hg)	Biochemical Oxygen Demand (BOD)
Total Nickel (Ni)	Phosphorus (P)
Total Silver (Ag)	pH
Total Chromium (Cr)	

1. One (1) "flow" sample will be collected over a twenty-four (24) hour period. Minimum sample volume is one (1) quart per sample.
2. One (1) "grab" sample will also be collected.

**3. SCHEDULE**

Flow and grab samples for analysis outlined in item "B" will be collected on or about the 15th of each month.

Following sample collection, deliver samples to ACIS labs in Detroit, MI. for review. Should you have any questions, please contact Gary Berndt at (313) 582-2219.

**GENERATOR WASTE CHARACTERIZATION REPORT**  
**ANNUAL RE-CERTIFICATION FORM: PREVIOUS APPROVAL NO. \_\_\_\_\_**

Note: Separate report required for each waste stream.

Sample must be provided, tested and pre-approved

**1. GENERATOR INFORMATION**USEPA ID # \_\_\_\_\_  
Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact \_\_\_\_\_  
Telephone ( ) - \_\_\_\_\_**2. BILLING INFORMATION**

( If different than above)

Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact \_\_\_\_\_  
Telephone ( ) - \_\_\_\_\_**3. TRANSPORTER INFORMATION**USEPA ID # \_\_\_\_\_  
Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact \_\_\_\_\_  
Telephone ( ) - \_\_\_\_\_**4. SHIPPING INFORMATION**USEPA Hazardous \_\_\_\_\_ Yes \_\_\_\_\_ No  
USEPA Hazardous Waste Code \_\_\_\_\_  
DOT Shipping Name \_\_\_\_\_  
Hazardous Class \_\_\_\_\_ UN/NA # \_\_\_\_\_  
Shipment Method \_\_\_\_\_ Bulk \_\_\_\_\_ Drums  
\_\_\_\_\_ Other (describe) \_\_\_\_\_  
Shipping Frequency \_\_\_\_\_ per \_\_\_\_\_  
Qty Frequency**5. SPECIAL HANDLING INFORMATION**\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**6. WASTE CHARACTERIZATION**Waste Common Name \_\_\_\_\_  
Description of Process Generating Waste: \_\_\_\_\_  
\_\_\_\_\_Has Sample Been Collected & Submitted ?  
Yes \_\_\_\_\_ No \_\_\_\_\_Constituent Composition Information  
\_\_\_\_\_% \_\_\_\_\_%  
\_\_\_\_\_% \_\_\_\_\_%  
\_\_\_\_\_% \_\_\_\_\_%  
\_\_\_\_\_% \_\_\_\_\_%

Physical Characteristics ( at 70 F)

Color \_\_\_\_\_

\_\_\_\_\_ Solid \_\_\_\_\_ Liquid \_\_\_\_\_ Sludge

Free Liquids \_\_\_\_\_ Yes \_\_\_\_\_ No

If Liquid or Sludge- % of Solids \_\_\_\_\_

Multi Layered \_\_\_\_\_ Yes \_\_\_\_\_ No

Specific Gravity \_\_\_\_\_ Flashpoint\* \_\_\_\_\_

\_\_\_\_\_ Open Cup\* \_\_\_\_\_ Closed Cup pH \_\_\_\_\_

Volatile Organics:

\_\_\_\_\_ % Halogenated \_\_\_\_\_ % Non-Halogenated

Other Characteristics (Check any that apply)

\_\_\_\_\_ Reactive \_\_\_\_\_ Explosive \_\_\_\_\_ Shock

Cyanide \_\_\_\_\_ PPM Sulfide \_\_\_\_\_ PPM

EPToxic or TCLP \_\_\_\_\_

PCB's \_\_\_\_\_ PPM

\* Attach test results

\_\_\_\_\_ This waste is non-hazardous under  
USEPA and State of Michigan regulations.

\* Attach supporting chemical analysis results

**7. AUTHORIZATION (Signature Required)**I certify that the information on this form is complete  
and factual to the best of my knowledge. I further  
certify that this wastestream HAS / HAS NOT  
changed either in process \_\_\_\_\_ and/or in chemical  
composition/content \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

Accept: \_\_\_\_\_ Reject: \_\_\_\_\_  
Re-certification # \_\_\_\_\_Comments: \_\_\_\_\_  
\_\_\_\_\_

Alleged Violation	Injunctive Relief Sought	Penalty Recommendation
<p>Records made available during the inspection did not document the relationship between analytical data and shipments of used oil fuel. 40 CFR 279.72(a) and (b) [MAC Rule R 299.9815(3)(b) and (c)]</p>	<p>Maintain documentation that used oil fuel meets the specifications for three years from the date of shipment.</p> <p>NOTE: need information request</p>	<p>3/27/2000? to ? Potential for harm - env. minor Potential for harm - regulatory major Extent of deviation - moderate (they do some analyses, but they didn't seem to be cross-referenced to shipments; really need more info for penalty est.)</p>
<p>The location of individual fire extinguishers was not mapped. 40 CFR 279.52(a)(2)(iii) [MAC Rule R 299.9813(3)]</p>	<p>Modify facility plan.</p>	<p>3/28/2000 to 4/14/2000 Potential for harm - env., minor Potential for harm - regulatory, minor Extent of deviation - minor</p>
<p>Tank 12 was leaking; failure to use only good condition tanks and containers to store used oil. 40 CFR 279.54(b)(2) [MAC Rule R299.9813(3)]</p>	<p>Document repair of Tank 12 with a copy of the work order (requested, but not received). If lost, would accept photo, but RTC would be upon receipt of photo.</p>	<p>3/28/2000 to 3/28/2000 w/ work order 3/28/2000 to ? Potential for harm - env., minor Potential for harm - regulatory, major Extent of deviation -</p>
<p>None of the used oil tanks and containers were labeled "used oil" 40 CFR 279.54 [MAC Rule R299.9813(3)]</p>	<p>Label tanks and containers "used oil"</p>	<p>3/27/2000 to 4/14/2000 for 18 tanks (did we actually receive 18 photos?) 3/27/2000 to 9/7/2000 for 8 containers</p>

RCRA Used Oil for ECAT Briefing February 28, 2001  
 Sybill, Inc. doing business as SRS Environmental EPA ID No. MIR 000 022 400  
 Prepared by Sue Brauer

Alleged Violation	Injunctive Relief Sought	Penalty Recommendation
The SRS Environmental QA/QC Program does not specify a sample method and does not indicate when to appropriately use different sampling devices 40 CFR §§ 279.55(a) and 279.55(b) [MAC Rule R299.9813(3)]	Identify circumstances for appropriate use of equipment to obtain representative samples.	3/28/2000 to 9/7/2000 Potential for harm -environmental, minor Potential for harm -regulatory, minor Ext. of deviation minor
The SRS Environmental QA/QC Program did not identify relevant target analytes. 40 CFR 279.55(a) [MAC Rule R299.9813(3)]	Amend to include appropriate analytes. (New count/regulation, related to count in previous RCRA administrative complaint)	3/28/2000 to 9/7/2000? (want to re-review) Potential for harm - environmental, minor Potential for harm - regulatory, major Extent of deviation - minor Litigation risk due to slow review: plan dated 10/23/98, to Sue 6/10/99, insp. 3/27/00, NOV 8/3/2000
The SRS Environmental QA/QC Program does not identify how total halogen concentrations will be determined and does not specifically address the rebuttable presumption 40 CFR §§ 279.53 and 279.55(a) [MAC Rule R 299.9813(3)]	Amend plan to include rebuttal of EPA's presumption of mixture with hazardous waste and to identify how total halogen determinations will be made. (Same count as previous RCRA administrative complaint) Rebut presumption of mixture for all shipments with greater than 1,000 ppm total halogens NOTE: need info request	From previous multi-media inspection to 9/7/2000 (amended plan inconsistent). ??? for rebuttal (need info request) Potential for harm - environmental, ?mod Potential for harm - regulatory, major Extent of deviation - major



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[Model](#)
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## Dun & Bradstreet Corporate Detail Report

**SYBILL INC**  
**DUNS Number: 928206606**  
**111 MILITARY ST**  
**DETROIT, MI 48209-4102**

### Corporate Profile

**NOTE:** Where appropriate, click on the underlined HQ DUNS Number, Parent DUNS Number, and Ultimate DUNS Number to view related information for this site.

<p><b><u>Secondary Name:</u></b> SRS ENVIRONMENTAL</p> <p><b><u>Mailing Address:</u></b></p> <p><b><u>County:</u></b> WAYNE</p> <p><b><u>Year Started:</u></b></p> <p><b><u>Hierarchy:</u></b> 01</p> <p><b><u>Line of Business:</u></b> REFUSE SYSTEMS</p> <p><b><u>CEO Name:</u></b> NICK DEBRAUNO</p> <p><b><u>CEO Title:</u></b> BRANCH MANAGER</p> <p><b><u>Phone Number:</u></b> (313) 841-6190</p> <p><b><u>HQ DUNS Number:</u></b> <a href="#">623453081</a></p> <p><b><u>Sales Here Ind:</u></b></p> <p><b><u>Employee Here Ind:</u></b> 2</p> <p><b><u>Employee Here Count:</u></b> 0</p> <p><b><u>Employee Total Ind:</u></b></p> <p><b><u>State FIPS:</u></b> 26</p> <p><b><u>Primary SIC Code:</u></b> 4953</p>	<p><b><u>Parent DUNS Number:</u></b></p> <p><b><u>Ultimate DUNS Number:</u></b> <a href="#">623453081</a></p> <p><b><u>Subsidiary:</u></b> Not a Subsidiary</p> <p><b><u>Manufacturing Indicator:</u></b> Manufacturing Not Done At This Site</p> <p><b><u>Sales Volume:</u></b> \$ 0</p> <p><b><u>Total Employees:</u></b> 0</p> <p><b><u>Population Code:</u></b> 500,000 and Over</p> <p><b><u>MSA Code:</u></b> 2160</p> <p><b><u>Corporate Organization Status:</u></b> Branch</p> <p><b><u>DIAS Code:</u></b> 001903488</p> <p><b><u>Latitude:</u></b> 42.3062</p> <p><b><u>Longitude:</u></b> 83.0991</p> <p><b><u>Primary SIC Description:</u></b> REFUSE SYSTEMS</p>
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#### List of All SIC codes and Descriptions

SIC Code	SIC Description
4953	REFUSE SYSTEMS

The plan does not identify the sampling method used to obtain representative samples to be analyzed.

40 CFR §279.52(a)(2)(iii) [MAC Rule R 299.9813(3)] The location of individual fire extinguishers was not mapped.

40 CFR §279.52(b)(2)(v) [MAC Rule R 299.9813(3)] The descriptions and locations of emergency equipment for fire, spills, communications and decontamination were inadequate.

40 CFR §279.54(b)(2) [MAC Rule R 299.9813(3)] Tank 12 was leaking on March 27, 2000.

40 CFR §279.54 [MAC R 299.9813(3)] None of the used oil tanks and containers were labeled "Used Oil."

From: Karl Karg on 12/12/2000 09:55 AM

From: Karl Karg on 12/12/2000 09:55 AM  
To: Michael Valentino, Sue Brauer cc: Jeffrey Gahris

We are preparing the Air side of this matter presently. Can you advise on the status of the other media and whether any actions are forthcoming? Thanks.

Karl Karg

Source: Estimating Costs for the Economic Benefits of RCRA NonCompliance, U.S. EPA, Sept. 1997

Table 3-2. Worksheet to Summarize Cost Estimates for TSDs (a)

Component	Capital/Initial Cost Estimate (\$)	On-going Cost Estimate (\$)
Notification Requirements		
Hazardous Waste Determination and Characterization		
General Waste Analysis, LDR Waste Analysis, and Written Waste Analysis		
24-Hour Emergency Security System		
Written Inspection Schedule		
Personnel Training		
Requirements for Ignitable, Reactive, and Incompatible Wastes		
Emergency Equipment Requirements		
Arrangements with Local Authorities		
Contingency Plan		
Emergency Coordinator		
Manifest System		
Packaging, Labeling, Marking, and Placarding Wastes		
Biennial Report Preparation		
Operating Record		
Groundwater Monitoring Program		
(b) Closure and Post-Closure Plans	28,980	1,288/yr
(c) Financial Assurance for Closure and Post-Closure	30,000	21,300/yr
(c) Financial Assurance for Third Party Liability Coverage	*60,000	60,000/yr
Corrective Action Schedule		
(c) Permitting	34,500	No renewal
TOTAL COSTS		

(a) Cost estimates are to be obtained from Table 3-4 and summed for a total capital/initial and on-going cost estimate. (1996 Dollars)

(b) Delayed Cost

Complainant's Exhibit 28

(c) Avoided Cost

\* The cost estimate provided by the September 1997 Economic Benefit guidance is \$80,000. However the guidance is based on a typical facility that generates six hazardous waste streams. The \$80,000 was reduced by 25% to \$60,000 to reflect the fact

- 3/93  
- 7/93  
~~5/91~~

Avoided:  
Permitting  
FA 3rd party

Delayed Costs  
28,000

No annual cost  
since non compliance  
is less than a year

# Financial Assurance for Third Party Liability - Avoided Cost

SYBILL

BEN VERSION 4.4 JULY 23, 1998

- A. VALUE OF EMPLOYING POLLUTION CONTROL ON-TIME AND OPERATING IT FOR ONE USEFUL LIFE IN 1993 DOLLARS \$ 34465
- B. VALUE OF EMPLOYING POLLUTION CONTROL ON-TIME AND OPERATING IT FOR ONE USEFUL LIFE PLUS ALL FUTURE REPLACEMENT CYCLES IN 1993 DOLLARS \$ 34465
- C. VALUE OF DELAYING EMPLOYMENT OF POLLUTION CONTROL EQUIPMENT BY 56 MONTHS PLUS ALL FUTURE REPLACEMENT CYCLES IN 1993 DOLLARS \$ 23407
- D. ECONOMIC BENEFIT OF A 56 MONTH DELAY IN 1993 DOLLARS (EQUALS B MINUS C) \$ 11058
- E. THE ECONOMIC BENEFIT AS OF THE PENALTY PAYMENT DATE, 65 MONTHS AFTER NONCOMPLIANCE \$ 19085

$$I = \frac{E}{D} = \frac{19085}{11058} = 1.73 \quad I \times A = (1.72)(34465) = \underline{\underline{59624}}$$

-----> THE ECONOMIC BENEFIT CALCULATION ABOVE <-----  
USED THE FOLLOWING VARIABLES:

## USER SPECIFIED VALUES

- 1A. CASE NAME = SYBILL
- 1B. PROFIT STATUS = FOR-PROFIT
- 1C. FILING STATUS = C-CORPORATION
2. INITIAL CAPITAL INVESTMENT = \$ 0
3. ONE-TIME NONDEPRECIABLE EXPENDITURE = \$ 60000 1996 DOLLARS  
(TAX-DEDUCTIBLE EXPENSE)
4. ANNUAL EXPENSE = \$ 0
5. FIRST MONTH OF NONCOMPLIANCE = 8, 1993
6. COMPLIANCE DATE = 4, 1998
7. PENALTY PAYMENT DATE = 1, 1999

## STANDARD VALUES

8. USEFUL LIFE OF POLLUTION CONTROL EQUIPMENT = 15 YEARS
9. MARGINAL INCOME TAX RATE FOR 1986 AND BEFORE = 49.6 %
10. MARGINAL INCOME TAX RATE FOR 1987 TO 1992 = 38.6 %
11. MARGINAL INCOME TAX RATE FOR 1993 AND BEYOND = 39.4 %
12. ANNUAL INFLATION RATE = 1.8 %
13. DISCOUNT RATE: WEIGHTED-AVERAGE COST OF CAPITAL 10.6 %

7 \$22,500 / 57,500

1993 60,000

1995 60,000

1996 60,000

1997 60,000

---

\$ 240,000

SYBILL

BEN VERSION 4.4 JUNE 25, 1998

- A. VALUE OF EMPLOYING POLLUTION CONTROL ON-TIME AND OPERATING IT FOR ONE USEFUL LIFE IN 1993 DOLLARS \$ 19817
- B. VALUE OF EMPLOYING POLLUTION CONTROL ON-TIME AND OPERATING IT FOR ONE USEFUL LIFE PLUS ALL FUTURE REPLACEMENT CYCLES IN 1993 DOLLARS \$ 19817
- C. VALUE OF DELAYING EMPLOYMENT OF POLLUTION CONTROL EQUIPMENT BY 66 MONTHS PLUS ALL FUTURE REPLACEMENT CYCLES IN 1993 DOLLARS \$ 12561
- D. ECONOMIC BENEFIT OF A 66 MONTH DELAY IN 1993 DOLLARS (EQUALS B MINUS C) \$ 7257
- E. THE ECONOMIC BENEFIT AS OF THE PENALTY PAYMENT DATE, 66 MONTHS AFTER NONCOMPLIANCE \$ 12630

$$I = \frac{E}{D} = \frac{12630}{7257} = 1.74 \quad I \times A = (1.74)(19817) = 34482$$

-->-->-->--> THE ECONOMIC BENEFIT CALCULATION ABOVE <--<--<--<--<--  
USED THE FOLLOWING VARIABLES:

USER SPECIFIED VALUES

- 1A. CASE NAME = SYBILL
- 1B. PROFIT STATUS = FOR-PROFIT
- 1C. FILING STATUS = C-CORPORATION
2. INITIAL CAPITAL INVESTMENT = \$ 0
3. ONE-TIME NONDEPRECIABLE EXPENDITURE = \$ 34500 1996 DOLLARS  
(TAX-DEDUCTIBLE EXPENSE)
4. ANNUAL EXPENSE = \$ 0
5. FIRST MONTH OF NONCOMPLIANCE = 7, 1993
6. COMPLIANCE DATE = 1, 1999
7. PENALTY PAYMENT DATE = 1, 1999

STANDARD VALUES

8. USEFUL LIFE OF POLLUTION CONTROL EQUIPMENT = 15 YEARS
9. MARGINAL INCOME TAX RATE FOR 1986 AND BEFORE = 49.6 %
10. MARGINAL INCOME TAX RATE FOR 1987 TO 1992 = 38.6 %
11. MARGINAL INCOME TAX RATE FOR 1993 AND BEYOND = 39.4 %
12. ANNUAL INFLATION RATE = 1.8 %
13. DISCOUNT RATE: WEIGHTED-AVERAGE COST OF CAPITAL 10.6 %

Financial Assurance for Closure and Post Closure  
- Delayed Cost

SYBILL

BEN VERSION 4.4 JUNE 25, 1998

THE ECONOMIC BENEFIT OF A 66 MONTH DELAY  
DATE, 66 MONTHS AFTER NONCOMPLIANCE

\$ 10983

-->-->-->--> THE ECONOMIC BENEFIT CALCULATION ABOVE <--<--<--<--<  
USED THE FOLLOWING VARIABLES:

USER SPECIFIED VALUES

1A. CASE NAME = SYBILL	
1B. PROFIT STATUS =	FOR-PROFIT
1C. FILING STATUS =	C-CORPORATION
2. INITIAL CAPITAL INVESTMENT = \$	0
3. ONE-TIME NONDEPRECIABLE EXPENDITURE = \$ (TAX-DEDUCTIBLE EXPENSE)	30000 1996 DOLLARS
4. ANNUAL EXPENSE = \$	0
5. FIRST MONTH OF NONCOMPLIANCE =	7, 1993
6. COMPLIANCE DATE =	1, 1999
7. PENALTY PAYMENT DATE =	1, 1999

STANDARD VALUES

8. USEFUL LIFE OF POLLUTION CONTROL EQUIPMENT =	15 YEARS
9. MARGINAL INCOME TAX RATE FOR 1986 AND BEFORE =	49.6 %
10. MARGINAL INCOME TAX RATE FOR 1987 TO 1992 =	38.6 %
11. MARGINAL INCOME TAX RATE FOR 1993 AND BEYOND =	39.4 %
12. ANNUAL INFLATION RATE =	1.8 %
13. DISCOUNT RATE: WEIGHTED-AVERAGE COST OF CAPITAL	10.6 %

# Closure and Post Closure Plans - Delayed Cost

YBILL

BEN VERSION 4.4 JUNE 25, 1998

THE ECONOMIC BENEFIT OF A 66 MONTH DELAY  
DATE, 66 MONTHS AFTER NONCOMPLIANCE

\$ 10609

-->-->-->--> THE ECONOMIC BENEFIT CALCULATION ABOVE <--<--<--<--<--  
USED THE FOLLOWING VARIABLES:



## USER SPECIFIED VALUES

1A. CASE NAME =	SYBILL	
1B. PROFIT STATUS =		FOR-PROFIT
1C. FILING STATUS =		C-CORPORATION
2. INITIAL CAPITAL INVESTMENT =	\$	0
3. ONE-TIME NONDEPRECIABLE EXPENDITURE =	\$	28980 1996 DOLLARS
(TAX-DEDUCTIBLE EXPENSE)		
4. ANNUAL EXPENSE =	\$	0
5. FIRST MONTH OF NONCOMPLIANCE =		7, 1993
6. COMPLIANCE DATE =		1, 1999
7. PENALTY PAYMENT DATE =		1, 1999

## STANDARD VALUES

8. USEFUL LIFE OF POLLUTION CONTROL EQUIPMENT =	15 YEARS
9. MARGINAL INCOME TAX RATE FOR 1986 AND BEFORE =	49.6 %
10. MARGINAL INCOME TAX RATE FOR 1987 TO 1992 =	38.6 %
11. MARGINAL INCOME TAX RATE FOR 1993 AND BEYOND =	39.4 %
12. ANNUAL INFLATION RATE =	1.8 %
13. DISCOUNT RATE: WEIGHTED-AVERAGE COST OF CAPITAL	10.6 %

Total = 115,040

 <b>MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY WASTE MANAGEMENT DIVISION NOTIFICATION OF REGULATED WASTE ACTIVITY</b> <small>Enacted under authority of the Federal Resource and Conservation Planning Act, P.L. 95-619 of 1978, as amended. Failure to submit this notification may result in civil or criminal penalties.</small>			
<b>MAIL THE COMPLETED FORM TO:</b>  WASTE MANAGEMENT DIVISION MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY PO BOX 30241 LANSING MI 48203-7741		<b>MDEQ USE ONLY</b>  Date Form Approved _____ Date Received _____  Date Number Issued _____	
<b>I. Installation's EPA ID Number</b> <small>(see instructions on page 5)</small> PRINT CLEARLY		A. First Notification: <input checked="" type="checkbox"/> B. Subsequent Notification (Complete Ch) C. U.S. EPA Identification (ID) Number: <b>MIR 0000 22400</b>	
<b>II. Name of Installation</b> <small>(see instructions on page 5)</small> PRINT CLEARLY		Include company and specific site name <b>SRS ENVIRONMENTAL</b>	
<b>III. Location of Installation</b> <small>(see instructions on pages 6 &amp; 7)</small> PRINT CLEARLY		Street Address: <b>111 MILITARY AVE.</b> City or Town: <b>DETROIT</b> State: <b>MI</b> Zip Code: <b>48209</b> County Name: <b>WAYNE</b> SIC Code: <b>4928</b> Latitude: _____ Longitude: _____	
<b>IV. Installation Mailing Address</b> <small>(see instructions on page 6)</small> PRINT CLEARLY		Street or P. O. Box: <b>"SAME"</b> City or Town: _____ State: _____ Zip Code: _____	
<b>V. Installation Contact</b> <small>(see instructions on page 6)</small> PRINT CLEARLY		Person to be contacted regarding waste activities Name (Last): <b>DIBRANO</b> Name (First): <b>NICK</b> Job Title: <b>PRESIDENT</b> Phone: <b>(313) 841-6190</b>	
<b>VI. Installation Contact Address</b> <small>(see instructions on page 6)</small> PRINT CLEARLY		Location: <b>"SAME" "X"</b> Mailing: _____ Street, P.O. Box, or Route No.: _____ City or Town: _____ State: _____ Zip Code: _____	
<b>VII. Ownership</b> <small>(see instructions on pages 6 &amp; 7)</small>  <div style="text-align: center;"> <b>RECEIVED</b>  <b>MAR 18 1997</b>  <b>Waste Management Division</b> </div> PRINT CLEARLY		A. Name of Installation's Legal Owner Name (Last): <b>MADIAS</b> Name (First): <b>VASILIOS</b> Street, P.O. Box, or Route No.: _____ City or Town: <b>500 S. SIWIRLY LANE</b> State: <b>DEARBORN</b> ZIP Code: <b>48124</b> Phone: <b>313-562-2546</b> B. Land Type: <b>PRIVATE</b> C. Owner Type: <b>PRIVATE</b> D. Change of Ownership Indicator Yes or <input checked="" type="radio"/> No Date Changed: _____ E. Property Owner Name (Last): _____ Name (First): _____ Street, P.O. Box, or Route No.: _____ City or Town: _____ State: _____ ZIP Code: _____ Phone: _____	

U.S. EPA Form 8700-12 is replaced by the Michigan Notification Form EDP5150 (10/95)

RESPONSE ITEM #1

Complainant's Exhibit 2

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to instructions on pages 7-10)									
A. Hazardous Waste Activity (at this location)					B. Used Oil Activities				
1. Generator					1. Used Oil Fuel Marketer				
a. Greater than 1,000 kg/mo (2,200 lbs.) OR LQG					a. Marketer Directs Shipment of Used Oil to Off-Specification Burner, OR				
b. 100 to 1,000 kg/mo (220 - 2,200 lbs.) OR SQG					b. Marketer who first Claims the Used Oil Meets the Specifications				
c. Less than 100 kg/mo CESQG					2. Used oil burner - indicate device(s)				
2. Transporter indicate mode in boxes 1-5 below					a. Utility Boiler				
a. For own waste only, OR					b. Industrial Boiler				
b. For commercial purposes					c. Industrial Furnace				
c. Mix, combine or commingle					3. Used Oil Transporter - Indicate Type(s) of Activity(ies)				
d. Transfer Facility					a. Transporter				
1. Air					b. Transfer Facility				
2. Rail					4. Used Oil Processor and/or Re-refiner				
3. Highway					a. Process				
4. Water					b. Re-refine				
5. Other - specify:					C. Generation of Hazardous Waste Ceased or Facility Closed				
3. Treatment, Storage, Disposal Facility at installation					No longer generating hazardous waste; still in business				
4. Hazardous Waste Fuel					No longer generating hazardous waste; out of business				
a. Generator Marking to Burner, OR					Date:				
b. Other Marketers					D. Universal Waste				
c. Boiler and/or Industrial Furnace					1. Large Quantity Handler of Universal Waste and are accumulating more than 5,000 kilograms of ( ) batteries, ( ) pesticides, &/or ( ) thermostats one time (check box(es)).				
i. Smelter Referral					2. Destination Facility of Universal Waste				
ii. Small Quantity Exemption					State Use Only				
Indicate Type of Combustion Device(s)									
i. Utility Boiler									
ii. Industrial Boiler									
iii. Industrial Furnace									
5. Underground Injection Control									
6. Temporary waste generation (non-emergency)									
IX. Description of Regulated Wastes (Mark 'X' in the appropriate boxes. Refer to instructions on page 10)									
A. Characteristics of Non-listed Hazardous Wastes. See R 299.9217 - R 299.9218. Use page 4 of 4 if more spaces are needed for waste codes. (put an "X" in box(es) - list code(s) for TCLP)									
1. Ignitable (D001)		2. Corrosive (D002)		3. Reactive (D003)		4. TCLP (list code(s) below)			
B. Listed Hazardous Wastes. See R 299.9220 - R 299.9226. Use page 4 of 4 if more spaces are needed for waste codes. (list code(s) below)									
X. Certification. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.									
Signature of owner, operator or an authorized representative					Name and Official Title (type or print)			Date Signed (mm-dd-yy)	
Gary D. Berndt					GARY D. BERNDT			2-20-97	
					COMPLIANCE OFFICER				

Mr. Gary Berndt

3

January 23, 1997

- e) 40 CFR 279.52(b)(2)(vi), the plant must include an evacuation plan for facility personnel, which includes a description of signal(s) to be used to begin evacuation, evacuation routes (primary and alternate). No such information was available at the time of inspection.
- f) 40 CFR 279.52(b)(3)(i-ii), copies of the contingency plan must be maintained at the facility and submitted to local authorities (police, fire and hospital or clinic, at a minimum).

Please revise the facility contingency plan to include these issues, and provide a corrected copy to this office. It is suggested that Sybill first provide the corrected contingency plan to this office for review and approval. Once the plan has been approved, copies should then be sent to the local authorities.

- 6. R 299.9813(3): 40 CFR 279.57(b)(1-3), a used oil processor/re-refiner must report to MDEQ/USEPA, in the form of a letter, on a biennial basis (by March 1<sup>st</sup> of each even numbered year) the following information concerning used oil activities during the previous calendar year:
  - a) the USEPA identification number, name and address of the processor/re-refiner.
  - b) the calendar year covered by the report.
  - c) the quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.
  - d) Please submit this information for 1995 (originally due March 1<sup>st</sup>, 1996), and provide an additional copy to this office. Document that this requirement will be met on time in the future.
- 7. R 299.9406(7), a transporter shall display only current decals on a vehicle. If a vehicle is no longer licensed under part 111, all previously required decals shall be removed. A formerly licensed roll off box still had two hazardous waste transporter decals (1992 and unreadable year) affixed. Please remove these decals and document this to this office.

The following areas, which are not specific violations, were identified:

- 1. Sybill is a generator of used oil (waste oil that is shipped off site for further recovery and/or off-specification waste oil burned for energy recovery).. Any tanks used to store used oil must be clearly labeled with the words 'used oil'. It was unclear at the time of inspection what tanks were being used for waste oil storage (as a generator). Please document that this requirement is being met.
- 2. Sybill was using toluene in the facility lab to test various oil/water samples. Waste toluene was returned to the facility wastewater treatment system for processing. Since Sybill appears to be a conditionally exempt small quantity generator, this is an acceptable process, however, the waste toluene would be considered a F005 listed hazardous waste (presuming it is 10% or greater toluene

Notification  
is as a marketer



DATE	(SAMPLE TAKEN)	As	Cd	Cr	Pb	Tx	PCBs	Flash Pt.	Tank ID
7/13/99	(7/13/99)	<0.05ppm	<0.05	1.28	<0.05	2063	ND	>200°F	
F.scan: 1,1,1-trichloroethane 23 ppm, xylene 9.0 ppm, ethylbenzene 17 ppm, toluene 6.4 ppm, MEK 4.0 ppm									
8/6/99	(8/3/99)	<0.05ppm	<0.05	0.88	<0.05	1807	ND	>200°F	
F.scan: Trichloroethylene 2.4 ppm, xylene 135 ppm, tetrachloroethylene 19 ppm, toluene 58 ppm, MEK 19 ppm, benzene 3.4 ppm									
9/13/99	(9/1/99)	<0.20ppm	<0.01	<0.02	<0.05	2676	ND	>200°F	Tank 4
F.scan: Tetrachloroethylene 0.1 ppm, xylene 4.5 ppm, ethylbenzene 0.8 ppm, toluene 1.1 ppm, MEK 1.4 ppm									
10/11/99	(10/5/99)	<0.20ppm	<0.01	<0.02	<0.05	3413	ND	>200°F	
F.scan: Tetrachloroethylene 1.4 ppm, trichloroethylene 0.3 ppm, xylene 70 ppm, ethylbenzene 15 ppm, toluene 18 ppm, isobutanol 44 ppm, benzene 1.3 ppm									
11/24/99	(11/5/99)	<0.20ppm	<0.01	<0.02	<0.05	1171	ND	>200°F	
F.scan: xylene 66 ppm, acetone 1.4 ppm, ethylbenzene 14 ppm, toluene 15 ppm, MEK 8.7 ppm, isobutanol 43 ppm									
1/14/00	(1/4/00)	<0.20ppm	<0.01	1.15	<0.05	1331	ND	>200°F	
F.scan: xylene 7.4 ppm, ethylbenzene 1.4 ppm, toluene 1.8 ppm, MEK 27 ppm,									

\* RTI LABS, INC. F001-F002 PARAMETERS

Tetrachloroethylene, Trichloroethylene, Methylene chloride, 1,1,1-trichloroethane  
Carbon tetrachloride, chlorinated fluorocarbons, Chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane  
1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, Trichlorofluoromethane  
1,1,2-trichloroethane (All MDLs = 0.001 ppm)

F003 PARAMETERS

Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, MIBK, n-butyl alcohol  
cyclohexanone, methanol (All MDLs = 0.001 ppm)

F004 PARAMETERS

o-Cresol, m-Cresol, p-Cresol, Nitrobenzene (All MDLs = 0.001 ppm)

F005 PARAMETERS

Toluene, MEK, Carbon disulfide, Isobutanol, Pyridine, Benzene, 2-~~ethyl~~<sup>ethoxy</sup>ethanol, 2-nitropropane  
(All MDLs = 0.001 ppm)

# USED OIL INSPECTION FORM - OIL PROCESSORS AND RE-REFINERS

Facility's Name Sybill

Date 3/27-28/2000

ID# MIR 000 022 400

Part 8 R

1994 PA

(499 - EAB)

Note: Used oil is defined as "any oil which has been refined from crude oil, or any synthetic oil which has been used and as a result of use, is contaminated with physical chemical impurities," R 299.9109

Note: Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of fuel oils, lubricants, or other used oil - derived products. Processing includes, but is not limited to, blending used oil with virgin petroleum products, blending used oils to meet fuel specification filtration, simple distillation, chemical or physical separation or re-refining (40 CFR § 279.50).

NI - Not Inspected      N/A - Not Applicable

YES NO NI N/A

## USED OIL PROCESSORS AND RE-REFINERS (Rule 813)

1. Does the facility do any of the following which exempts it from these regulations: (Rule 813(2))			
a) Incidental processing that occurs during the normal course of transportation? (Rule 813(2)(a))	UOA	<input checked="" type="checkbox"/>	NI N/A
b) Incidental processing that occurs during normal course of used oil management? (Rule 813(2)(b))	UOA	<input checked="" type="checkbox"/>	NI N/A
c) Generators conducting the following operations on-site provided the oil is not sent to a burner: (Rule 813(c))			
i) Filter, clean, recondition used oil for reuse by generator? (Rule 813(c)(i))	UOA	<input checked="" type="checkbox"/>	NI N/A
ii) Separating used oil from wastewater to make acceptable for discharge or reuse? (Rule 813(c)(ii))	UOA	<input checked="" type="checkbox"/>	NI N/A
iii) Mist collectors to remove small droplets of used oil from in-plant air? (Rule 813(c)(iii))	UOA	<input checked="" type="checkbox"/>	NI N/A
iv) Draining/removing used oil from material? (Rule 813(c)(iv))	UOA	<input checked="" type="checkbox"/>	NI N/A
v) Filtering, separating, reconditioning used oil before burning in a space heater? (Rule 813(c)(v))	UOA	<input checked="" type="checkbox"/>	NI N/A
2. Does the used oil processor or re-refiner have an EPA identification number? (279.51) (Rule 813(3)) refers to 40 CFR 279.50	UOA	<input checked="" type="checkbox"/>	NI N/A
3. Did the used oil processor or re-refiner have the following: (279.52(a)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input type="checkbox"/>	NI N/A
a) Maintain/operate facility to minimize fire, explosions, releases? (279.52(a)(1)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
b) Equipped with the following unless none of the hazards posed could require it. (279.52(a)(2)) (Rule 813(3)) refers to 40 CFR 279.52			
i) Internal communication or alarm system? <i>keypad alarm system - low water alarm for boiler</i> (279.52(a)(2)(i)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
ii) Telephone/radio capable of summoning emergency assistance from local police/fire? (279.52(a)(2)(ii)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
iii) Fire extinguishers, fire control equipment, spill control equipment and decontamination equipment? <i>individual locations not mapped - spill kits, brownie, emergency shower, eye washes</i> (279.52(a)(2)(iii)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
iv) Adequate water supply? <i>water tower is inoperable. Standing from previous owner (GHS)</i> (279.52(a)(2)(iv)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input type="checkbox"/>	NI N/A
c) Test and maintain fire, spill and decontamination equipment? <i>extinguisher in office exp. 3/99 in May all extinguishers tested/recharged</i> (279.52(a)(3)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input type="checkbox"/>	NI N/A
d) Whenever used oil is being handled do all persons have immediate access to internal alarm or emergency communication device (directly or indirectly)? (279.52(a)(4)(i)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
e) One employee on-site is there immediate access to a device, such as a telephone/radio capable of summoning emergency assistance from local police/fire? <i>always 1 employee + boiler operator</i> (279.52(a)(4)(ii)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input type="checkbox"/>	NI N/A
f) Aisle space maintained to allow for unobstructed movement? (279.52(a)(5)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
g) Arrangements made with local fire, police, and emergency response departments? (279.52(a)(6)(i)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
h) If State or local authorities decline to enter into arrangements was the refusal documented? (279.52(a)(6)(ii)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input type="checkbox"/>	NI N/A
i) Have a contingency plan designed to minimize hazards to human health and the environment from fires, explosions or releases which: (279.52(b)(1)(i)) (Rule 813(3)) refers to 40 CFR 279.52			
<i>SPCC + evacuation Contingency Plan</i>			
j) Action personnel take in response to fire, explosion, releases? (279.52(b)(2)(i)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A

	YES	NO	NI	N/A
ii) Describe arrangements agreed to by local fire, police, emergency response? (279.52(b)(2)(iii)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
iii) Names, addresses and phone numbers (office and home) of emergency coordinator(s)? (279.52(b)(2)(iv)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
iv) List, describe, location, capabilities of all emergency equipment for fire, spills, communications, decontamination? (279.52(b)(2)(v)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
v) Evacuation signal, evacuation & alternative evacuation routes? (279.52(b)(2)(vi)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
4. Was the plan carried out immediately whenever there is a fire, explosion or release which could threaten human health and the environment? (279.52(b)(1)(ii)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
5. Were copies of the plan and revisions kept at the facility? (279.52(b)(3)(i)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
6. Were copies of the plan submitted to all local police, fire, hospitals, State and local emergency response teams? (279.52(b)(3)(ii)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
7. Was the plan amended when any of the following changed: regulation, failed in an emergency, facility operation, emergency coordinator, emergency equipment? (279.52(b)(4)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
8. Is there always an emergency coordinator on the premise or on call? (279.52(b)(5)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
9. Is the emergency coordinator(s) thoroughly familiar with all aspects of the contingency plan, operations and location of used oil? (279.52(b)(5)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
10. Does the emergency coordinator(s) have the authority to carry out the plan and commit resources? (279.52(b)(5)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
11. If there was an imminent or actual emergency were emergency procedures initiated? (279.52(b)(6)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
12. Were summary reports and details of all incidents that required implementation of the contingency plan available and maintained at the facility until closure? (279.52(a)(2)(ii)) (Rule 813(3)) refers to 40 CFR 279.52 UOA	<input checked="" type="checkbox"/>		NI	N/A
13. Were containers and aboveground tanks used to store used oil at a transfer facility: (279.54(b)) (Rule 813(3)) refers to 40 CFR 279.54				
a) In good condition? (279.54(b)(1)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input checked="" type="checkbox"/>		NI	N/A
b) Not leaking (no visible leaks)? (279.54(b)(2)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
14. Are containers, used to store used oil at a transfer facility, in a secondary containment system which has: (279.54(c)) (Rule 813(3)) refers to 40 CFR 279.54				
a) Dikes, berms or retaining walls? (279.54(c)(1)(i)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
b) Floor within the entire diked/bermed area? (279.54(c)(1)(ii)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input checked="" type="checkbox"/>		NI	N/A
c) Walls and floor sufficiently impervious to used oil? (279.54(c)(2)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input type="checkbox"/>		NI	N/A

OR

d) An equivalent secondary containment system? (279.54(c)(1)(iii)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
15. Are aboveground tanks, used to store used oil at a transfer facility, in a secondary containment system which has: (279.54(d) & (e)) (Rule 813(3)) refers to 40 CFR 279.54				
a) Dikes, berms or retaining walls? (279.54(d)(1)(i) & (279.54(e)(1)(i)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
b) Floor w/ in the entire diked/bermed area? (279.54(d)(1)(ii) & (279.54(e)(1)(ii)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input checked="" type="checkbox"/>		NI	N/A
c) Walls & floor sufficiently impervious to used oil? (279.54(d)(2) & 279.54(e)(2)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input type="checkbox"/>		NI	N/A

OR

d) Equivalent secondary containment system? (279.54(d)(1)(iii) & 279.54(e)(1)(iii)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input type="checkbox"/>		NI	N/A
16. Are containers and above ground tanks used to store used oil at a transfer facility labeled/marked "Used Oil"? (279.54(f)(1)) (Rule 813(3)) refers to 40 CFR 279.54 UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A

		YES	NO	NI	N/A
17.	Are fill pipes that transfer used oil into underground storage tanks at transfer facilities labeled/marked "Used Oil"? (279.54(f)(2) (Rule 813(3) refers to 40 CFR 279.54)	UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI N/A?
18.	Upon detection of a release did the facility:				
a)	Stop the release? (279.54(g)(1)) (Rule 813(3) refers to 40 CFR 279.54) Tank 12 stopped leaking w/in 24h.	UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI N/A
b)	Contain the released used oil? (279.54(g)(2)) (Rule 813(3) refers to 40 CFR 279.54) flowed to sump at center of 15' tipping floor	UOA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI N/A
c)	Clean-up and manage the released used oil and other material? (279.54(g)(3)) (Rule 813(3) refers to 40 CFR 279.54)	UOA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI N/A
d)	If necessary to prevent future releases, repair/replace any leaking used oil containers or tanks? (279.54(g)(4)) (Rule 813(3) refers to 40 CFR 279.54) work order for Tank 12 presented to & discussed w/ Sue Brauer	UOA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI N/A
19.	When an aboveground tank was closed did the facility remove/decontaminate used oil residues in tanks, containment, soils, structures, equipment and manage correctly? (279.54(h)(1)(i)) (Rule 813(3) refers to 40 CFR 279.54) old released w/ steam sparged hot water, stored on facility pending lot to be re-fabricated	UOA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI N/A SRS
20.	When an aboveground tank is closed if not all contaminated soils could be removed/decontaminated, was the tank closed and in post-closure as per the landfill requirements? (279.54(h)(1)(ii)) (Rule 813(3) refers to 40 CFR 279.54)	UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI N/A 11 + 12
21.	At closure were all containers of used oils or residues removed for the site? (279.54(h)(2)(i)) (Rule 813(3) refers to 40 CFR 279.54) facility not closed	UOA	<input type="checkbox"/>	<input type="checkbox"/>	NI N/A
22.	At closure were used oil residues, system components, containment soils, equipment at container storage area(s) removed or decontaminated? (279.54(h)(2)(ii)) (Rule 813(3) refers to 40 CFR 279.54)	UOA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI N/A
23.	Did the used oil processor/re-refiner develop and follow a written analytical plan which includes the: (279.55) (Rule 813(3) refers to 40 CFR 279.55)				
a)	Rebuttable presumption for used oil: (279.55(a)) (Rule 813(3) refers to 40 CFR 279.55)	UOA	<input type="checkbox"/>	<input type="checkbox"/>	NI N/A
i)	Sample analysis or knowledge of halogen content of used oil will be used to make determination?	UOA	<input type="checkbox"/>	<input type="checkbox"/>	NI N/A
ii)	Sample analysis method used for obtaining representative sample, approved or equivalent sampling method and frequency of sampling?	UOA	<input type="checkbox"/>	<input type="checkbox"/>	NI N/A
b)	Off-specification used oil fuel: (279.55(b)) (Rule 813(3) refers to 40 CFR 279.55) Sybill claims to market only on-specification used oil fuel	UOA	<input type="checkbox"/>	<input type="checkbox"/>	NI N/A
i)	Sample analysis or other information used to make determination?	UOA	<input type="checkbox"/>	<input type="checkbox"/>	NI N/A
ii)	Sample analysis used the method for obtaining representative sample, approved or equivalent sampling method and frequency of sampling?	UOA	<input type="checkbox"/>	<input type="checkbox"/>	NI N/A
24.	Were records and results of any analysis available and maintained at the facility until closure? (279.57(a)(2)(i)) (Rule 813(3) refers to 40 CFR 279.56) Analysis for May/June 1999 & Jan/Feb 2000 not at facility	UOA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	NI N/A
25.	Did the used oil processor/re-refiner keep a record of each used oil shipment accepted? (279.56(a)) (Rule 813(3) refers to 40 CFR 279.56) see "Sample Analysis" & "SRS Environmental Transaction Log for Dates"	UOA	<input type="checkbox"/>	<input type="checkbox"/>	NI N/A
26.	Did the records of accepted used oil contain the following: (279.56(a)) (Rule 813(3) refers to 40 CFR 279.56)				
a)	Name and address of transporter who delivered the used oil? (279.56(a)(1)) (Rule 813(3) refers to 40 CFR 279.56) Address for transporter not included on manifest	UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI N/A
b)	Name and address of generator or processor/re-refiner who sent the used oil? (279.56(a)(2)) (Rule 813(3) refers to 40 CFR 279.56)	UOA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI N/A
c)	EPA identification number of transporter who delivered the used oil? (279.56(a)(3)) (Rule 813(3) refers to 40 CFR 279.56)	UOA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI N/A
d)	If applicable, the EPA identification number of the generator or processor/re-refiner who sent the used oil? (279.56(a)(4)) (Rule 813(3) refers to 40 CFR 279.56)	UOA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI N/A
e)	The quantity of used oil accepted? (279.56(a)(5)) (Rule 813(3) refers to 40 CFR 279.56)	UOA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI N/A
f)	The date of acceptance? (279.56(a)(6)) (Rule 813(3) refers to 40 CFR 279.56)	UOA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI N/A
27.	Did the records of used oil shipped to a used oil burner, processor/re-refiner, or disposal facility contain the following: (279.56(b)) (Rule 813(3) refers to 40 CFR 279.56)				
a)	Name and address of transporter who delivered the used oil to the burner, processor/re-refiner, or disposal facility? (279.56(b)(1)) (Rule 813(3) refers to 40 CFR 279.56) manifest does not include transporters address	UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI N/A
b)	Name and address of burner, processor/re-refiner, or disposal facility who received the used oil? (279.56(b)(2)) (Rule 813(3) refers to 40 CFR 279.56) bills of lading / shippers not on file at facility	UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI N/A

manifests used for Edwards Oil Service do include this information  
\* need for a blank form to be faxed to Sybill

	YES	NO	NI	N/A
c) EPA identification number of transporter who delivered to the used oil burner, processor/re-refiner, or disposal facility? (279.56(b)(3)) (Rule 813(3) refers to 40 CFR 279.56) <i>Yes on manifest; on shipper</i> UOA	<input type="checkbox"/>		NI	N/A
d) EPA identification number of the burner, processor/re-refiner, or disposal facility who received the used oil? (279.56(b)(4)) (Rule 813(3) refers to 40 CFR 279.56) <i>Yes on manifest.</i> UOA	<input type="checkbox"/>		NI	N/A
e) The quantity of used oil shipped? (279.56(b)(5)) (Rule 813(3) refers to 40 CFR 279.56) <i>Yes, on manifest</i> UOA	<input type="checkbox"/>		NI	N/A
f) The date of shipment? (279.56(b)(6)) (Rule 813(3) refers to 40 CFR 279.56) <i>Yes on manifest.</i> UOA	<input type="checkbox"/>		NI	N/A
28. Were the records kept for at least 3 years? (279.56(c)) (Rule 813(3) refers to 40 CFR 279.56) UOA	<input type="checkbox"/>		NI	N/A
29. Did the used oil processor/re-refiner report to the Director by 3/1 of each even numbered year the following: (279.57(b)) (Rule 813(3) refers to 40 CFR 279.57) <i>see 1/20/2000 letter to Mary Villanuel of U.S. EPA, Region 5</i>				
a) The EPA identification number, name and address of the processor/re-refiner? (279.57(b)(1)) (Rule 813(3) refers to 40 CFR 279.57) UOA	<input checked="" type="checkbox"/>		NI	N/A
b) Calendar year covered by the report? (279.57(b)(2)) (Rule 813(3) refers to 40 CFR 279.57) UOA	<input checked="" type="checkbox"/>		NI	N/A
c) Quantity of used oil accepted, manner and specific process employed to process/re-refine. (279.57(b)(3)) (Rule 813(3)) refers to 40 CFR 279.57) UOA	<input checked="" type="checkbox"/>		NI	N/A
30. Did the transporter who transported the used oil off-site from the processor/re-refiner have an EPA identification number? (279.58) (Rule 813(3) refers to 40 CFR 279.58) UOA	<input checked="" type="checkbox"/>		NI	N/A
31. Did the processor ensure the used oil isn't hazardous waste by testing or knowledge of halogen content in light of materials or processes used? (Rule 813(4)) <i>see waste analysis plan and record review</i> UOA	<input type="checkbox"/>		NI	N/A
32. Were records of analysis or information used to comply with #71 kept for no less than 3 years? (Rule 813(4)) UOA	<input checked="" type="checkbox"/>		NI	N/A
33. Did the used oil processor or re-refiner store used oil in a unit other than a container or tank? (Rule 813(5)) UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
34. Was any residue from the storage, processing or re-refining managed correctly? (Rule 813(6)) UOA	<input checked="" type="checkbox"/>		NI	N/A

#### USED OIL DISPOSAL (Rule 816)

35. Was used oil that cannot be recycled and is being disposed of and is not a hazardous waste managed in accordance with applicable federal and state regulations? (Rule 816(2))	<input checked="" type="checkbox"/>	NI	N/A
36. Was the used oil used as a dust suppressant? (Rule 816(3))	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI N/A

Comments: *Analytical 11/4/98*  
*Ship nonhaz ww/trmt sludge off-site as 029L 11/7/96 9/26/97 10/14/98*  
*SIC code 4928 reported on waste char profile for Waste Management*  
*11/4/98 214, Dinitrotoluene & Hexachlorobenzene*  
*shipped treated waste received from GM to Metalworking Lubricants*  
*in Indianapolis. MWL prime contractor w/GM. Sybill subbed to MWL.*  
*Sybill discharged ww from trmt and shipped bottoms (not free oil) to MWL*  
 3a. Evaluate <sup>physical</sup> conditions prior to welding - *George Gary, & welder. (No combustible*  
*gas monitoring.) Outside contractor hired for confined space entry.*  
*Follow spill plan; ongoing education & training. Load & off-load in containers*  
 14. *U.O. containers include blue plastic polyethylene drums - not labeled "u.o."*  
*stored open.*  
 23 *Tom King is the on-site chemist employed by Engineering Labs, Inc, contracted*  
*to Sybill. He (Tom) follows "SRS Environmental QA/QC Program" (copy received*  
*3/28/2000). On page 5-3, the plan says: "PCB shall not exceed 5ppm."*

# USED OIL INSPECTION FORM - OIL PROCESSORS AND RE-REFINERS

Facility's Name Sybill

Date 3/27-28/2000

ID# MIR 000 022 400

Part 8 Rule

1994 PA 4:

99 - EAB)

Note: Used oil is defined as "any oil which has been refined from crude oil, or any synthetic oil which has been used and as a result of use, is contaminated with physical chemical impurities," R 299.9109

Note: Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of fuel oils, lubricants, or other used oil - derived products. Processing includes, but is not limited to, blending used oil with virgin petroleum products, blending used oils to meet fuel specifications filtration, simple distillation, chemical or physical separation or re-refining (40 CFR § 279.50).

NI - Not Inspected N/A - Not Applicable

YES NO NI N/A

## USED OIL PROCESSORS AND RE-REFINERS (Rule 813)

1. Does the facility do any of the following which exempts it from these regulations: (Rule 813(2))			
a) Incidental processing that occurs during the normal course of transportation? (Rule 813(2)(a))	UOA	<input checked="" type="checkbox"/>	NI N/A
b) Incidental processing that occurs during normal course of used oil management? (Rule 813(2)(b))	UOA	<input checked="" type="checkbox"/>	NI N/A
c) Generators conducting the following operations on-site provided the oil is not sent to a burner: (Rule 813(c))			
i) Filter, clean, recondition used oil for reuse by generator? (Rule 813(c)(i))	UOA	<input checked="" type="checkbox"/>	NI N/A
ii) Separating used oil from wastewater to make acceptable for discharge or reuse? (Rule 813(c)(ii))	UOA	<input checked="" type="checkbox"/>	NI N/A
iii) Mist collectors to remove small droplets of used oil from in-plant air? (Rule 813(c)(iii))	UOA	<input checked="" type="checkbox"/>	NI N/A
iv) Draining/removing used oil from material? (Rule 813(c)(iv))	UOA	<input checked="" type="checkbox"/>	NI N/A
v) Filtering, separating, reconditioning used oil before burning in a space heater? (Rule 813(c)(v))	UOA	<input checked="" type="checkbox"/>	NI N/A
2. Does the used oil processor or re-refiner have an EPA identification number? (279.51) (Rule 813(3)) refers to 40 CFR 279.50	UOA	<input checked="" type="checkbox"/>	NI N/A
3. Did the used oil processor or re-refiner have the following: (279.52(a)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input type="checkbox"/>	NI N/A
a) Maintain/operate facility to minimize fire, explosions, releases? (279.52(a)(1)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
b) Equipped with the following unless none of the hazards posed could require it. (279.52(a)(2)) (Rule 813(3)) refers to 40 CFR 279.52			
i) Internal communication or alarm system? (279.52(a)(2)(i)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
ii) Telephone/radio capable of summoning emergency assistance from local police/fire? (279.52(a)(2)(ii)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
iii) Fire extinguishers, fire control equipment, spill control equipment and decontamination equipment? (279.52(a)(2)(iii)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
iv) Adequate water supply? (279.52(a)(2)(iv)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
c) Test and maintain fire, spill and decontamination equipment? (279.52(a)(3)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input type="checkbox"/>	NI N/A
d) Whenever used oil is being handled do all persons have immediate access to internal alarm or emergency communication device (directly or indirectly)? (279.52(a)(4)(i)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
e) One employee on-site is there immediate access to a device, such as a telephone/radio capable of summoning emergency assistance from local police/fire? (279.52(a)(4)(ii)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input type="checkbox"/>	NI N/A
f) Aisle space maintained to allow for unobstructed movement? (279.52(a)(5)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
g) Arrangements made with local fire, police, and emergency response departments? (279.52(a)(6)(i)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A
h) If State or local authorities decline to enter into arrangements was the refusal documented? (279.52(a)(6)(ii)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input type="checkbox"/>	NI N/A
i) Have a contingency plan designed to minimize hazards to human health and the environment from fires, explosions or releases which: (279.52(b)(1)(i)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input type="checkbox"/>	NI N/A
j) Action personnel take in response to fire, explosion, releases? (279.52(b)(2)(i)) (Rule 813(3)) refers to 40 CFR 279.52	UOA	<input checked="" type="checkbox"/>	NI N/A

	YES	NO	NI	N/A
ii) Describe arrangements agreed to by local fire, police, emergency response? (279.52(b)(2)(iii)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
iii) Names, addresses and phone numbers (office and home) of emergency coordinator(s)? (279.52(b)(2)(iv)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
iv) List, describe, location, capabilities of all emergency equipment for fire, spills, communications, decontamination? (279.52(b)(2)(v)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
v) Evacuation signal, evacuation & alternative evacuation routes? (279.52(b)(2)(vi)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
4. Was the plan carried out immediately whenever there is a fire, explosion or release which could threaten human health and the environment? (279.52(b)(1)(ii)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
5. Were copies of the plan and revisions kept at the facility? (279.52(b)(3)(i)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
6. Were copies of the plan submitted to all local police, fire, hospitals, State and local emergency response teams? (279.52(b)(3)(ii)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
7. Was the plan amended when any of the following changed: regulation, failed in an emergency, facility operation, emergency coordinator, emergency equipment? (279.52(b)(4)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
8. Is there always an emergency coordinator on the premise or on call? (279.52(b)(5)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
9. Is the emergency coordinator(s) thoroughly familiar with all aspects of the contingency plan, operations and location of used oil? (279.52(b)(5)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
10. Does the emergency coordinator(s) have the authority to carry out the plan and commit resources? (279.52(b)(5)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
11. If there was an imminent or actual emergency were emergency procedures initiated? (279.52(b)(6)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
12. Were summary reports and details of all incidents that required implementation of the contingency plan available and maintained at the facility until closure? (279.52(a)(2)(ii)) (Rule 813(3)) refers to 40 CFR 279.52) UOA	<input checked="" type="checkbox"/>		NI	N/A
13. Were containers and aboveground tanks used to store used oil at a transfer facility: (279.54(b)) (Rule 813(3)) refers to 40 CFR 279.54) UOA				
a) In good condition? (279.54(b)(1)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input checked="" type="checkbox"/>		NI	N/A
b) Not leaking (no visible leaks)? (279.54(b)(2)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
14. Are containers, used to store used oil at a transfer facility, in a secondary containment system which has: (279.54(c)) (Rule 813(3)) refers to 40 CFR 279.54) UOA				
a) Dikes, berms or retaining walls? (279.54(c)(1)(i)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
b) Floor with in the entire diked/bermed area? (279.54(c)(1)(ii)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input checked="" type="checkbox"/>		NI	N/A
c) Walls and floor sufficiently impervious to used oil? (279.54(c)(2)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input type="checkbox"/>		NI	N/A

OR

d) An equivalent secondary containment system? (279.54(c)(1)(iii)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
15. Are aboveground tanks, used to store used oil at a transfer facility, in a secondary containment system which has: (279.54(d) & (e)) (Rule 813(3)) refers to 40 CFR 279.54) UOA				
a) Dikes, berms or retaining walls? (279.54(d)(1)(i) & (279.54(e)(1)(i)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
b) Floor w/ in the entire diked/bermed area? (279.54(d)(1)(ii) & (279.54(e)(1)(ii)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input checked="" type="checkbox"/>		NI	N/A
c) Walls & floor sufficiently impervious to used oil? (279.54(d)(2) & 279.54(e)(2)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input type="checkbox"/>		NI	N/A
d) Equivalent secondary containment system? (279.54(d)(1)(iii) & 279.54(e)(1)(iii)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input type="checkbox"/>		NI	N/A
16. Are containers and above ground tanks used to store used oil at a transfer facility labeled/marked "Used Oil"? (279.54(f)(1)) (Rule 813(3)) refers to 40 CFR 279.54) UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A

		YES	NO	NI	N/A
17.	Are fill pipes that transfer used oil into underground storage tanks at transfer facilities labeled/marked "Used Oil"? (279.54(f)(2) (Rule 813(3) refers to 40 CFR 279.54)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
18.	Upon detection of a release did the facility:				
a)	Stop the release? (279.54(g)(1)) (Rule 813(3) refers to 40 CFR 279.54) Tank 12 stopped leaking when 24h. flowed to sump at center of 150' tipping floor			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Contain the released used oil? (279.54(g)(2)) (Rule 813(3) refers to 40 CFR 279.54)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Clean-up and manage the released used oil and other material? (279.54(g)(3)) (Rule 813(3) refers to 40 CFR 279.54)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d)	If necessary to prevent future releases, repair/replace any leaking used oil containers or tanks? (279.54(g)(4)) (Rule 813(3) refers to 40 CFR 279.54) work order for Tank 12 presented to & discussed w/ Sue Braxton			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
19.	When an aboveground tank was closed did the facility remove/decontaminate used oil residues in tanks, containment, soils, structures, equipment and manage correctly? (279.54(h)(1)(i)) (Rule 813(3) refers to 40 CFR 279.54) and reinstalled			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
20.	When an aboveground tank is closed if not all contaminated soils could be removed/decontaminated, was the tank closed and in post-closure as per the landfill requirements? (279.54(h)(1)(ii)) (Rule 813(3) refers to 40 CFR 279.54)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
21.	At closure were all containers of used oils or residues removed for the site? (279.54(h)(2)(i)) (Rule 813(3) refers to 40 CFR 279.54) facility not closed			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
22.	At closure were used oil residues, system components, containment soils, equipment at container storage area(s) removed or decontaminated? (279.54(h)(2)(ii)) (Rule 813(3) refers to 40 CFR 279.54)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
23.	Did the used oil processor/re-refiner develop and follow a written analytical plan which includes the: (279.55) (Rule 813(3) refers to 40 CFR 279.55)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a)	Rebuttable presumption for used oil: (279.55(a)) (Rule 813(3) refers to 40 CFR 279.55)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Sample analysis or knowledge of halogen content of used oil will be used to make determination?			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Sample analysis method used for obtaining representative sample, approved or equivalent sampling method and frequency of sampling?			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Off-specification used oil fuel: (279.55(b)) (Rule 813(3) refers to 40 CFR 279.55) Sybil claims to market only on specification used oil fuel			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Sample analysis or other information used to make determination?			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Sample analysis used the method for obtaining representative sample, approved or equivalent sampling method and frequency of sampling?			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
24.	Were records and results of any analysis available and maintained at the facility until closure? (279.57(a)(2)(i)) (Rule 813(3) refers to 40 CFR 279.56) Analyses for May/June 1999 & Jan/Feb 2000 not at facility			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
25.	Did the used oil processor/re-refiner keep a record of each used oil shipment accepted? (279.56(a)) (Rule 813(3) refers to 40 CFR 279.56) see "Sample Analysis" & "SRS Environmental Transaction Log for Data"			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
26.	Did the records of accepted used oil contain the following: (279.56(a)) (Rule 813(3) refers to 40 CFR 279.56)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a)	Name and address of transporter who delivered the used oil? (279.56(a)(1)) (Rule 813(3) refers to 40 CFR 279.56) Address for transporter not included on manifest			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Name and address of generator or processor/re-refiner who sent the used oil? (279.56(a)(2)) (Rule 813(3) refers to 40 CFR 279.56)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c)	EPA identification number of transporter who delivered the used oil? (279.56(a)(3)) (Rule 813(3) refers to 40 CFR 279.56)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d)	If applicable, the EPA identification number of the generator or processor/re-refiner who sent the used oil? (279.56(a)(4)) (Rule 813(3) refers to 40 CFR 279.56)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e)	The quantity of used oil accepted? (279.56(a)(5)) (Rule 813(3) refers to 40 CFR 279.56)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f)	The date of acceptance? (279.56(a)(6)) (Rule 813(3) refers to 40 CFR 279.56)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
27.	Did the records of used oil shipped to a used oil burner, processor/re-refiner, or disposal facility contain the following: (279.56(b)) (Rule 813(3) refers to 40 CFR 279.56)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a)	Name and address of transporter who delivered the used oil to the burner, processor/re-refiner, or disposal facility? (279.56(b)(1)) (Rule 813(3) refers to 40 CFR 279.56) manifest does not include transporter's address			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Name and address of burner, processor/re-refiner, or disposal facility who received the used oil? (279.56(b)(2)) (Rule 813(3) refers to 40 CFR 279.56) bills of lading / shippers not on file at facility manifests used for Edwards Oil Service do include this information * asked for a blank form to be faxed to Sybil			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO	NI	N/A
c) EPA identification number of transporter who delivered to the used oil burner, processor/re-refiner, or disposal facility? (279.56(b)(3)) (Rule 813(3) refers to 40 CFR 279.56) <i>Yes on manifest; on shipper</i> UOA	<input type="checkbox"/>		NI	N/A
d) EPA identification number of the burner, processor/re-refiner, or disposal facility who received the used oil? (279.56(b)(4)) (Rule 813(3) refers to 40 CFR 279.56) <i>Yes on manifest</i> UOA	<input type="checkbox"/>		NI	N/A
e) The quantity of used oil shipped? (279.56(b)(5)) (Rule 813(3) refers to 40 CFR 279.56) <i>Yes on manifest</i> UOA	<input type="checkbox"/>		NI	N/A
f) The date of shipment? (279.56(b)(6)) (Rule 813(3) refers to 40 CFR 279.56) <i>Yes on manifest</i> UOA	<input type="checkbox"/>		NI	N/A
28. Were the records kept for at least 3 years? (279.56(c)) (Rule 813(3) refers to 40 CFR 279.56) UOA	<input type="checkbox"/>		NI	N/A
29. Did the used oil processor/re-refiner report to the Director by 3/1 of each even numbered year the following: (279.57(b)) (Rule 813(3) refers to 40 CFR 279.57) <i>See 1/20/2000 letter to Mary Villanueva of U.S. EPA, Region 5</i>				
a) The EPA identification number, name and address of the processor/re-refiner? (279.57(b)(1)) (Rule 813(3) refers to 40 CFR 279.57) UOA	<input checked="" type="checkbox"/>		NI	N/A
b) Calendar year covered by the report? (279.57(b)(2)) (Rule 813(3) refers to 40 CFR 279.57) UOA	<input checked="" type="checkbox"/>		NI	N/A
c) Quantity of used oil accepted, manner and specific process employed to process/re-refine. (279.57(b)(3)) (Rule 813(3)) refers to 40 CFR 279.57) UOA	<input checked="" type="checkbox"/>		NI	N/A
30. Did the transporter who transported the used oil off-site from the processor/re-refiner have an EPA identification number? (279.58) (Rule 813(3) refers to 40 CFR 279.58) UOA	<input checked="" type="checkbox"/>		NI	N/A
31. Did the processor ensure the used oil isn't hazardous waste by testing or knowledge of halogen content in light of materials or processes used? (Rule 813(4)) <i>See waste analysis plan and record review</i> UOA	<input type="checkbox"/>		NI	N/A
32. Were records of analysis or information used to comply with #71 kept for no less than 3 years? (Rule 813(4)) UOA	<input checked="" type="checkbox"/>		NI	N/A
33. Did the used oil processor or re-refiner store used oil in a unit other than a container or tank? (Rule 813(5)) UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
34. Was any residue from the storage, processing or re-refining managed correctly? (Rule 813(6)) UOA	<input checked="" type="checkbox"/>		NI	N/A

## USED OIL DISPOSAL (Rule 816)

35. Was used oil that cannot be recycled and is being disposed of and is not a hazardous waste managed in accordance with applicable federal and state regulations? (Rule 816(2))	<input checked="" type="checkbox"/>		NI	N/A
36. Was the used oil used as a dust suppressant? (Rule 816(3))	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A

Comments: *Ship nonhaz ww/trmt sludge off-site as 029L 1/4/98 Analytical 1/4/98*  
*SIC code 4928 reported on waste char profile for Waste Management. 1/7/96 9/22/97 10/14/94*  
*1/4/98 2/4, Dinitrotoluene & Hexachlorobenzene*  
*shipped treated waste received from GM to Metalworking Lubricants in Indianapolis. MWL prime contractor w/GM. Sybill subbed to MWL.*  
*Sybill discharged ww from trmt and shipped bottoms (not free oil) to MWL.*  
 3a. Evaluate <sup>physical</sup> conditions prior to welding - Georges Gary, & welder. (No combustible gas monitoring.) Outside contractor hired for confined space entry.  
 Follow spill plan; ongoing education & training. Load & off-load in cardboard.  
 14. U.O. containers include blue plastic polyethylene drums - not labeled "u.o." stored open.  
 23. Tom King is the on-site chemist employed by Engineering Labs, Inc, contracted to Sybill. He (Tom) follows "SRS Environmental QA/QC Program" (copy received 3/28/2000). On page 53, the plan says "PCB shall not exceed 50ppm."

# USED OIL INSPECTION FORM - FUEL MARKETER

Facility's Name Sybill

Date 3/27-28/2000

ID# MIR 000 022 400

Part 8 Rul

1994 PA 4

'99 - EAB)

Note: Used oil is defined as "any oil which has been refined from crude oil, or any synthetic oil which has been used and as a result of use, is contaminated with physical or chemical impurities," R 299.9109

NI - Not Inspected      N/A - Not Applicable

YES NO NI N/A

## USED OIL FUEL MARKETERS (Rule 815)

NOTE: These requirements do not apply to a person who is a used oil generator, and a transporter who transports used oil that is received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. Used oil processors/re-refiners who burn some used oil fuel for the purposes of processing are considered to be burning incidentally to processing. A used oil generator or transporter who directs shipments of off-specification used oil to used oil processors or re-refiners who incidentally burn used oil is not a used oil fuel marketer subject to these requirements. A person who directs shipments of specification used oil fuel and who is not the first person to claim that the used oil meets the used oil specifications of R 299.9809(1)(f) is not a used oil marketer.

1. These requirements apply to a person who: (Rule 815(2))		
a) Directs a shipment of off-specification used oil from their facility to a used oil burner. (Rule 815(2)(a))	UOA	<input type="checkbox"/> NO NI N/A
b) First claims that the used oil which is to be burned for energy recovery meets the used oil specifications of R 299.9809(1)(f). (Rule 815(2)(b))	UOA	<input checked="" type="checkbox"/> NI N/A
2. Did the used oil fuel marketer comply with the following: (Rule 815(3))		
a) Initiates shipments of off-specification used oil only to a burner who has an EPA identification number and burns the used oil in an industrial boiler or furnace? (Rule 815(3)(a))	UOA	<input type="checkbox"/> NI N/A
b) Determines the used oil to be burned for energy recovery meets specifications in R 299.9809(1)(f)? (Rule 815(3)(b))	UOA	<input checked="" type="checkbox"/> NI N/A
c) Maintained copies of analysis/information used to make the determination that the used oil meets the specifications for 3 years after the determination is made? (Rule 815(3)(c)) <i>see comment</i>	UOA	<input checked="" type="checkbox"/> NI N/A
d) Obtain an EPA identification number? (Rule 815(3)(d)) (Rule 815(3)(d) refers to 40 CFR 297.73)	UOA	<input checked="" type="checkbox"/> NI N/A
3. Before making the the first shipment of off-specification used oil fuel to a burner, did the marketer obtain a one-time written and signed notice from the burner? (279.75(a)) (Rule 815(3)(d) refers to 40 CFR 279.75)		
UOA <input type="checkbox"/> NI N/A		
4. Did the one-time written and signed notice certify that: (279.75(a)) (Rule 815(3)(d) refers to 40 CFR 279.75)		
UOA <input type="checkbox"/> NI N/A		
a) Burner notified EPA stating location and general description of used oil management activities? (279.75(a)(1)) (Rule 815(3)(d) refers to 40 CFR 279.75)	UOA	<input type="checkbox"/> NI N/A
b) Burner burns used oil only in an industrial furnace or boiler? (279.75(a)(2)) (Rule 815(3)(d) refers to 40 CFR 279.75)	UOA	<input type="checkbox"/> NI N/A
5. Were the certifications maintained for 3 years from the date the burner received the last shipment of off-specification used oil from that facility? (279.75(b)) (Rule 815(3)(d) refers to 40 CFR 279.75)		
UOA <input type="checkbox"/> NI N/A		
6. Did the marketer keep a record of each shipment of off-specification used oil to a used oil burner? (Rule 815(3)(e))		
UOA <input type="checkbox"/> NI N/A		
7. Did the records contain the following: (Rule 815(3)(e))		
a) Name, address and EPA identification number of the transporter who delivered the used oil? (Rule 815(3)(e)(i))	UOA	<input type="checkbox"/> NI N/A
b) Name, address and EPA identification number of the burner who will receive the used oil? (Rule 815(3)(e)(ii))	UOA	<input type="checkbox"/> NI N/A
c) The quantity of used oil shipped? (Rule 815(3)(e)(iii))	UOA	<input type="checkbox"/> NI N/A
d) The date shipped? (Rule 815(3)(e)(iv))	UOA	<input type="checkbox"/> NI N/A
8. Were the records maintained for no less than 3 years from date of shipment? (Rule 815(3)(e))		
UOA <input checked="" type="checkbox"/> NI N/A		
Did the marketer keep a record of each shipment of specification used oil to a used oil burner? (Rule 815(3)(f))		
UOA <input type="checkbox"/> NI N/A		
a) Name and address of facility who receives the shipment? (Rule 815(3)(f)(i))	UOA	<input type="checkbox"/> NI N/A
b) The quantity of used oil fuel shipped? (Rule 815(3)(f)(ii))	UOA	<input type="checkbox"/> NI N/A
c) The date of shipment or delivery? (Rule 815(3)(f)(iii))	UOA	<input type="checkbox"/> NI N/A

		YES	NO	NI	N/A
d) Cross-reference to the records of used oil analysis or other information used to make the determination that the used oil meets the specifications in R 299.9809(1)(f)? (Rule 815(3)(f)(iv)) <i>some metals analyses not available</i>		for <i>helix</i>			
10. Were the records kept for at least 3 years from the date of shipment? (Rule 815(4))		<input checked="" type="checkbox"/>		NI	N/A
UOA		<input type="checkbox"/>		NI	N/A

## USED OIL DISPOSAL (Rule 816)

11. Was used oil that cannot be recycled and is being disposed of and is not a hazardous waste managed in accordance with applicable federal and state regulations? (Rule 816(2)) <i>manifested under state --- L code</i>	UOA	<input checked="" type="checkbox"/>		NI	N/A
12. Was the used oil used as a dust suppressant? (Rule 816(3))	UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A

Comments:

2c. *hand-wrote* <sup>date</sup> As Cd Cr Pb TX PCBs flashpt & Tank based on file review - no photocopier on-site

7.-9. • for out-bound shipments of on-spec used oil / fuel to Edwards Oil Service <sup>only</sup> ~~both~~ Michigan manifests and • for shipments to LTV (burner) shipper

- for shipments to Warner (on-spec (unregulated marketer) shipper)
- in 195 Thompson McCully all manifests
- in 2000 began shipments to Everclear <sup>Acron, Ohio</sup> (on-spec (unregulated marketer) shipper)

Outbound analyses in batches Tank 1 oil storage or Tank 4 300,000 gallons - 1 analytical ship out until Tank depleted (about 1 foot carryover) ship from Tanks 1, 4, and inside the plant <sup>Tanks</sup> 20-30.

"Bills of Lading" and "Shipper" synonymous

Ship out parts washer to Vesco as D001 & D039 - SQG status

Edwards shipment MI manifest 7766184 J.: "Batch 41694 Tank #4 Vol. 350,000 C.L. 2084 (chlorine)"

MI manifest 7765891 no cross-reference to batch, etc.

could cross reference to F-scans & PCBs through log book of batch oil shipments

Gary explained that batch analyses are for F-scans. Metals analyses are done monthly. May/June analyses not available 3/28/2000 am at Military Rd. Michigan uniform manifest does not have a space for the transporters address, required by 40CFR 279.56(b)(1) for shipments to MWL.

George & Gary do not recall whether 9-18-98 shipment (MI 7208447) was a fuel. to Oil Chem and 081 603 973

# USED OIL INSPECTION FORM - TRANSPORTERS AND TRANSFER FACILITIES

Facility's Name Sybill

Date 3/27-28/2000

ID# MIR 000 022 400

Part 8 Rule

1994 PA 45

99 - EAB)

Note: Used oil is defined as "any oil which has been refined from crude oil, or any synthetic oil which has been used and as a result of use, is contaminated with physical or chemical impurities," R 299.9109

NI - Not Inspected      N/A - Not Applicable

YES NO NI N/A

## USED OIL TRANSPORTERS AND TRANSFER FACILITIES (Rule 812)

NOTE: this rule does not apply to on-site transportation, generator who ships 55 gallons or less to a used oil collection center or aggregation point owned by the generator, or household do-it-yourselfers.

1. If the used oil transporter processed used oil (except when conducted processing operation occurring in the normal course of transportation) did they comply with the requirements in subpart F? (279.41(a)) (Rule 812(3) refers to 40 CFR 279.41)	UOA	<input type="checkbox"/> <i>see processor checklist</i> <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
2. If the facility conducted processing operations occurring in the normal course of transportation but as produced a product did they comply with the requirements in subpart F? (279.41(b)) (Rule 812(3) refers to 40 CFR 279.41)	UOA	<input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
3. Did the facility obtain an EPA identification number? (279.42(a)) (Rule 812(3) refers to 40 CFR 279.42)	UOA	<input checked="" type="checkbox"/> NI <input type="checkbox"/> N/A
4. Was all used oil delivered to: (279.43(a)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A
a) Another used oil transporter w/ an EPA identification number? (279.43(a)(1)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A
b) Used oil processing/re-refining facility w/ an EPA identification number? (279.43(a)(2)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> NI <input type="checkbox"/> N/A
c) Off-specification used oil burner facility w/ EPA identification number? (279.43(a)(3)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A
d) On-specification used oil burner? (279.43(a)(4)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> NI <input type="checkbox"/> N/A
5. Did the transporter comply with all applicable DOT requirements? (279.43(b)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
6. If a discharge occurred during transportation was appropriate immediate action taken to protect human health and the environment (i.e., notify local authorities, dike the discharge area)? (279.43(c)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
7. If air, water, rail or highway transporter discharged used oil, did the transporter: (279.43(c)(3)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
a) Give notice to the National Response Center, if required? (279.43(c)(3)(i)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
b) Report in writing as required to DOT? (279.43(c)(3)(ii)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A <i>not required</i>
8. Did a water transporter who discharged used oil give notice as required by 33 CFR 153.203? (279.43(c)(4)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
9. Did the transporter clean up any discharge during transportation or take actions as required? (279.43(c)(5)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> NI <input type="checkbox"/> N/A
10. If used oil was ever held over 35 days at the transfer facility did they comply with subpart F? (279.45(a)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input checked="" type="checkbox"/> NI <input type="checkbox"/> N/A
11. Were containers and aboveground tanks used to store used oil at a transfer facility: (279.45(c)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A
a) In good condition? (279.45(c)(1)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A
b) Not leaking (no visible leaks)? (279.45(c)(2)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A
12. Are containers, used to store used oil at a transfer facility, in a secondary containment system which has: (279.45(d)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A
a) Dikes, berms or retaining walls? (279.45(d)(1)(i)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A
b) Floor within the entire diked/bermed area? (279.45(d)(1)(ii)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A
c) Walls and floor sufficiently impervious to used oil? (279.45(d)(2)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A
OR		
d) An equivalent secondary containment system? (279.45(d)(1)(iii)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> NI <input type="checkbox"/> N/A

YES NO NI N/A

13. Are aboveground tanks, used to store used oil at a transfer facility, in a secondary containment system which has: (279.45(e)& (f) (Rule 812(3) refers to 40 CFR 279.45)		<i>See processor checklist</i>	
a) Dikes, berms or retaining walls? (279.45(e)(1)(i) & (279.45(f)(1)(i)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI N/A
b) Floor w/ in the entire diked/bermed area? (279.45(e)(1)(ii) & (279.45(f)(1)(ii)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI N/A
c) Walls & floor sufficiently impervious to used oil? (279.45(e)(2) & 279.45(f)(2)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI N/A
OR			
d) Equivalent secondary containment system? (279.45(e)(1)(iii) & 279.45(f)(1)(iii)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI N/A
14. Are containers and above ground tanks used to store used oil at a transfer facility labeled/marked "Used Oil"? (279.45(g)(1)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI N/A
15. Are fill pipes that transfer used oil into underground storage tanks at transfer facilities labeled/marked "Used Oil"? (279.45(g)(2) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI N/A
16. Upon detection of a release did the facility: <i>transportation releases in secondary containment</i>			
a) Stop the release? (279.45(h)(1)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.45) <i>releases are usual w/ load/unload</i>	UOA	<input type="checkbox"/>	NI N/A
b) Contain the released used oil? (279.45(h)(2)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.45)	UOA	<input checked="" type="checkbox"/>	NI N/A
c) Clean-up and manage the released used oil and other material? (279.45(h)(3)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.45)	UOA	<input checked="" type="checkbox"/>	NI N/A
d) If necessary to prevent future releases, repair/replace any leaking used oil containers or tanks? (279.45(h)(4)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.45)	UOA	<input checked="" type="checkbox"/>	NI N/A
17. Did the used oil transporter keep a record of each used oil shipment accepted for transport? (279.46(a)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input checked="" type="checkbox"/>	NI N/A
18. Did the record include: (279.46(a)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)		<input type="checkbox"/>	NI N/A
a) Name and address of facility that provided the used oil for transportation? (279.46(a)(1)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI N/A
b) EPA or state identification number of facility that provided the used oil for transportation? (279.46(a)(2)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI N/A
c) The quantity of the used oil accepted? (279.46(a)(3)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI N/A
d) The date of acceptance? (279.46(a)(4)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI N/A
e) Signature of a representative from the facility that provided the used oil for transportation? (279.46(a)(5)(i)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46) (Except for intermediate rail transporters (279.46(a)(5)(ii))	UOA	<input type="checkbox"/>	NI N/A
19. Did the used oil transporter keep a record of each shipment of used oil delivered another transporter, burner, processor, disposal facility or exported? (279.46(b) & 279.46(c)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)		<input type="checkbox"/>	NI N/A
a) Name and address of facility that provided the used oil for transportation? (279.46(b)(1) & 279.46(c)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI N/A
b) EPA identification number of facility, if applicable, that provided the used oil for transportation? (279.46(b)(2) & 279.46(c)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI N/A
c) The quantity of the used oil accepted? (279.46(b)(3) & 279.46(c)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI N/A
d) The date of acceptance? (279.46(b)(4) & 279.46(c)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI N/A
e) Signature of a representative from the facility that provided the used oil for transportation? (279.46(b)(5)(i) & 279.46(c)) (Rule 812(3) refers to Rule 810; refers to 40 CFR 279.46) (Except for intermediate rail transporters (279.46(a)(5)(ii))	UOA	<input type="checkbox"/>	NI N/A
Were records maintained for at least three years? (279.46(d)) (Rule 812(3) refers to Rule 810; refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI N/A
21. Did the transporter determine that the used oil transported or stored was not a hazardous waste by either: (Rule 812(4))			
a) Testing the used oil for total halogen?	UOA	<input type="checkbox"/>	NI N/A

		YES	NO	NI	N/A
b) Applying knowledge of halogen content in light of the materials or processes used?	UOA	<input type="checkbox"/>		NI	N/A
c) Obtain copies of analyses or other information from generator?	UOA	<input type="checkbox"/>		NI	N/A
22. Were copies of the analysis/information maintained for a period of not less than 3 years? (Rule 812(4))	UOA	<input type="checkbox"/>		NI	N/A
23. Did the used oil transfer facility store used oil in units other than containers or tanks? (Rule 812(5))	UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
24. Did the transporter who generated residues for the storage or transport of used oil manage them correctly? (Rule 812(6))	UOA	<input checked="" type="checkbox"/>		NI	N/A

## USED OIL DISPOSAL (Rule 816)

25. Was used oil that cannot be recycled and is being disposed of and is not a hazardous waste managed in accordance with applicable federal and state regulations? (Rule 816(2))	<input checked="" type="checkbox"/>		NI	N/A
26. Was the used oil used as a dust suppressant? (Rule 816(3))		<input checked="" type="checkbox"/>	NI	N/A

Comments: 18, 19 + 20 reviewed for processor checklist

21. no testing done prior to receipt at facility.  
field

# USED OIL INSPECTION FORM - FUEL MARKETER

Facility's Name Sybill

Date 3/27-28/2000

ID# MIR 000 022 400

Part 8 R

1994 PA

499 - EAB)

Note: Used oil is defined as "any oil which has been refined from crude oil, or any synthetic oil which has been used and as a result of use, is contaminated with physical chemical impurities," R 299.9109

NI - Not Inspected      N/A - Not Applicable

YES NO NI N/A

## USED OIL FUEL MARKETERS (Rule 815)

NOTE: These requirements do not apply to a person who is a used oil generator, and a transporter who transports used oil that is received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. Used oil processors/re-refiners who burn some used oil fuel for the purposes of processing are considered to be burning incidentally to processing. A used oil generator or transporter who directs shipments of off-specification used oil to used oil processors or re-refiners who incidentally burn used oil is not a used oil fuel marketer subject to these requirements. A person who directs shipments of specification used oil fuel and who is not the first person to claim that the used oil meets the used oil specifications of R 299.9809(1)(f) is not a used oil marketer.

1. These requirements apply to a person who: (Rule 815(2))		
a) Directs a shipment of off-specification used oil from their facility to a used oil burner. (Rule 815(2)(a))	UOA	<input type="checkbox"/> NO   NI   N/A
b) First claims that the used oil which is to be burned for energy recovery meets the used oil specifications of R 299.9809(1)(f). (Rule 815(2)(b))	UOA	<input checked="" type="checkbox"/> NI   N/A
2. Did the used oil fuel marketer comply with the following: (Rule 815(3))		
a) Initiates shipments of off-specification used oil only to a burner who has an EPA identification number and burns the used oil in an industrial boiler or furnace? (Rule 815(3)(a))	UOA	<input type="checkbox"/> NI   N/A
b) Determines the used oil to be burned for energy recovery meets specifications in R 299.9809(1)(f)? (Rule 815(3)(b))	UOA	<input checked="" type="checkbox"/> NI   N/A
c) Maintained copies of analysis/information used to make the determination that the used oil meets the specifications for 3 years after the determination is made? (Rule 815(3)(c)) <i>see comment</i>	UOA	<input checked="" type="checkbox"/> NI   N/A
d) Obtain an EPA identification number? (Rule 815(3)(d)) (Rule 815(3)(d) refers to 40 CFR 297.73)	UOA	<input checked="" type="checkbox"/> NI   N/A
3. Before making the the first shipment of off-specification used oil fuel to a burner, did the marketer obtain a one-time written and signed notice from the burner? (279.75(a)) (Rule 815(3)(d) refers to 40 CFR 279.75)		
	UOA	<input type="checkbox"/> NI   N/A
4. Did the one-time written and signed notice certify that: (279.75(a)) (Rule 815(3)(d) refers to 40 CFR 279.75)		
a) Burner notified EPA stating location and general description of used oil management activities? (279.75(a)(1)) (Rule 815(3)(d) refers to 40 CFR 279.75)	UOA	<input type="checkbox"/> NI   N/A
b) Burner burns used oil only in an industrial furnace or boiler? (279.75(a)(2)) (Rule 815(3)(d) refers to 40 CFR 279.75)	UOA	<input type="checkbox"/> NI   N/A
5. Were the certifications maintained for 3 years from the date the burner received the last shipment of off-specification used oil from that facility? (279.75(b)) (Rule 815(3)(d) refers to 40 CFR 279.75)		
	UOA	<input type="checkbox"/> NI   N/A
6. Did the marketer keep a record of each shipment of off-specification used oil to a used oil burner? (Rule 815(3)(e))		
	UOA	<input type="checkbox"/> NI   N/A
7. Did the records contain the following: (Rule 815(3)(e))		
a) Name, address and EPA identification number of the transporter who delivered the used oil? (Rule 815(3)(e)(i))	UOA	<input type="checkbox"/> NI   N/A
b) Name, address and EPA identification number of the burner who will receive the used oil? (Rule 815(3)(e)(ii))	UOA	<input type="checkbox"/> NI   N/A
c) The quantity of used oil shipped? (Rule 815(3)(e)(iii))	UOA	<input type="checkbox"/> NI   N/A
d) The date shipped? (Rule 815(3)(e)(iv))	UOA	<input type="checkbox"/> NI   N/A
8. Were the records maintained for no less than 3 years from date of shipment? (Rule 815(3)(e))		
	UOA	<input checked="" type="checkbox"/> NI   N/A
Did the marketer keep a record of each shipment of specification used oil to a used oil burner? (Rule 815(3)(f))		
a) Name and address of facility who receives the shipment? (Rule 815(3)(f)(i))	UOA	<input type="checkbox"/> NI   N/A
b) The quantity of used oil fuel shipped? (Rule 815(3)(f)(ii))	UOA	<input type="checkbox"/> NI   N/A
c) The date of shipment or delivery? (Rule 815(3)(f)(iii))	UOA	<input type="checkbox"/> NI   N/A

	YES	NO	NI	N/A
d) Cross-reference to the records of used oil analysis or other information used to make the determination that the used oil meets the specifications in R 299.9809(1)(f)? (Rule 815(3)(f)(iv)) <i>some metals analyses not available</i>	<input checked="" type="checkbox"/>		NI	N/A
10. Were the records kept for at least 3 years from the date of shipment? (Rule 815(4))	<input type="checkbox"/>		NI	N/A

## USED OIL DISPOSAL (Rule 816)

11. Was used oil that cannot be recycled and is being disposed of and is not a hazardous waste managed in accordance with applicable federal and state regulations? (Rule 816(2)) <i>manifested under state --- L code</i>	UOA	<input checked="" type="checkbox"/>	NI	N/A
12. Was the used oil used as a dust suppressant? (Rule 816(3))	UOA	<input checked="" type="checkbox"/>	NI	N/A

## Comments:

2c. *hand-wrote* <sup>date</sup> As Cd Cr Pb TX PCBs flashpt & Tank based on file review - no photocopier on-site

7-9. • for out-bound shipments of on-spec used oil / fuel to Edwards Oil Service <sup>only</sup> ~~both~~ Michigan manifests and • for shipments to LTV (burner) shipper

- for shipments to Warner (on-spec unregulated marketer) shipper
- "195 Thompson McCully all manifests
- "2000 began shipments to Everclear <sup>Acron, Ohio</sup> (on-spec unregulated marketer) shipper

Outbound analyses in batches Tank 1 oil storage or Tank 4 300,000 gallons - 1 analytical ship out until Tank depleted (about 1 foot carryover) ship from Tanks 1, 4, and inside the plant <sup>Tanks</sup> 20-30.

"Bills of Lading" and "Shipper" synonymous

Ship out parts washer to Vesco as D001 & D039 - SQG status

Edwards shipment. MI manifest 7766184 J.: "Batch 41694 Tank #4 Vol. 350,000 C.L. 2084 (chlorine)"

MI manifest 7765891 no cross-reference to batch, etc.

Could cross reference to F-scan & PCBs through log book of batch oil shipments

Gary explained that batch analyses are for F-scans. Metals analyses are done monthly. May/June analysis not available 3/28/2000 am at Military Rd.

Michigan uniform manifest does not have a space for the transporters address, required by 40CFR 279.56(b)(1) for shipments to MWL.

George & Gary do not recall whether 9-18-98 shipment MI 7765891 was a fuel. to Oil Che

# USED OIL INSPECTION FORM - TRANSPORTERS AND TRANSFER FACILITIES

Facility's Name Sybill

Part 8 Ru

Date 3/27-28/2000

ID# MIR 000 022 400

1994 PA 4

499 - EAB)

Note: Used oil is defined as "any oil which has been refined from crude oil, or any synthetic oil which has been used and as a result of use, is contaminated with physical chemical impurities," R 299.9109

NI - Not Inspected      N/A - Not Applicable

YES NO NI N/A

## USED OIL TRANSPORTERS AND TRANSFER FACILITIES (Rule 812)

NOTE: this rule does not apply to on-site transportation, generator who ships 55 gallons or less to a used oil collection center or aggregation point owned by the generator, or household do-it-yourselfers.

1. If the used oil transporter processed used oil (except when conducted processing operation occurring in the normal course of transportation) did they comply with the requirements in subpart F? (279.41(a)) (Rule 812(3) refers to 40 CFR 279.41)	UOA	<input type="checkbox"/> <i>see processor checklist</i> <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
2. If the facility conducted processing operations occurring in the normal course of transportation but as produced a product did they comply with the requirements in subpart F? (279.41(b)) (Rule 812(3) refers to 40 CFR 279.41)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
3. Did the facility obtain an EPA identification number? (279.42(a)) (Rule 812(3) refers to 40 CFR 279.42)	UOA	<input checked="" type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
4. Was all used oil delivered to: (279.43(a)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
a) Another used oil transporter w/ an EPA identification number? (279.43(a)(1)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
b) Used oil processing/re-refining facility w/ an EPA identification number? (279.43(a)(2)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
c) Off-specification used oil burner facility w/ EPA identification number? (279.43(a)(3)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
d) On-specification used oil burner? (279.43(a)(4)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
5. Did the transporter comply with all applicable DOT requirements? (279.43(b)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> <input checked="" type="checkbox"/> NI <input type="checkbox"/> N/A
6. If a discharge occurred during transportation was appropriate immediate action taken to protect human health and the environment (i.e., notify local authorities, dike the discharge area)? (279.43(c)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
7. If air, water, rail or highway transporter discharged used oil, did the transporter: (279.43(c)(3)) (Rule 812(3) refers to 40 CFR 279.43)		
a) Give notice to the National Response Center, if required? (279.43(c)(3)(i)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
b) Report in writing as required to DOT? (279.43(c)(3)(ii)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> <input checked="" type="checkbox"/> NI <input checked="" type="checkbox"/> N/A <i>not required</i>
8. Did a water transporter who discharged used oil give notice as required by 33 CFR 153.203? (279.43(c)(4)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
9. Did the transporter clean up any discharge during transportation or take actions as required? (279.43(c)(5)) (Rule 812(3) refers to 40 CFR 279.43)	UOA	<input checked="" type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
10. If used oil was ever held over 35 days at the transfer facility did they comply with subpart F? (279.45(a)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input checked="" type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
11. Were containers and aboveground tanks used to store used oil at a transfer facility: (279.45(c)) (Rule 812(3) refers to 40 CFR 279.45)		
a) In good condition? (279.45(c)(1)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A <i>see processor checklist</i>
b) Not leaking (no visible leaks)? (279.45(c)(2)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
12. Are containers, used to store used oil at a transfer facility, in a secondary containment system which has: (279.45(d)) (Rule 812(3) refers to 40 CFR 279.45)		
a) Dikes, berms or retaining walls? (279.45(d)(1)(i)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A <i>see processor checklist</i>
b) Floor with in the entire diked/bermed area? (279.45(d)(1)(ii)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
c) Walls and floor sufficiently impervious to used oil? (279.45(d)(2)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A
OR		
d) An equivalent secondary containment system? (279.45(d)(1)(iii)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/> <input type="checkbox"/> NI <input type="checkbox"/> N/A

YES NO NI N/A

13. Are aboveground tanks, used to store used oil at a transfer facility, in a secondary containment system which has: (279.45(e)& (f) (Rule 812(3) refers to 40 CFR 279.45)			<i>See processor checklist</i>		
a) Dikes, berms or retaining walls? (279.45(e)(1)(i) & (279.45(f)(1)(i)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI	N/A	
b) Floor w/ in the entire diked/bermed area? (279.45(e)(1)(ii) & (279.45(f)(1)(ii)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI	N/A	
c) Walls & floor sufficiently impervious to used oil? (279.45(e)(2) & 279.45(f)(2)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI	N/A	
OR					
d) Equivalent secondary containment system? (279.45(e)(1)(iii) & 279.45(f)(1)(iii)) (Rule 812(3) refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI	N/A	
14. Are containers and above ground tanks used to store used oil at a transfer facility labeled/marked "Used Oil"? (279.45(g)(1)) (Rule 812(3) refers to 40 CFR 279.45)			UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/> NI N/A
15. Are fill pipes that transfer used oil into underground storage tanks at transfer facilities labeled/marked "Used Oil"? (279.45(g)(2) (Rule 812(3) refers to 40 CFR 279.45)			UOA	<input type="checkbox"/>	NI <input checked="" type="checkbox"/> N/A
16. Upon detection of a release did the facility: <i>transportation releases in secondary containment</i>					
a) Stop the release? (279.45(h)(1)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.45)	UOA	<input type="checkbox"/>	NI	N/A	<i>releases are usual w/ load/unload</i>
b) Contain the released used oil? (279.45(h)(2)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.45)	UOA	<input checked="" type="checkbox"/>	NI	N/A	
c) Clean-up and manage the released used oil and other material? (279.45(h)(3)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.45)	UOA	<input checked="" type="checkbox"/>	NI	N/A	
d) If necessary to prevent future releases, repair/replace any leaking used oil containers or tanks? (279.45(h)(4)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.45)	UOA	<input checked="" type="checkbox"/>	NI	N/A	
17. Did the used oil transporter keep a record of each used oil shipment accepted for transport? (279.46(a)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)			UOA	<input checked="" type="checkbox"/>	NI N/A
18. Did the record include: (279.46(a)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)				<input type="checkbox"/>	NI N/A
a) Name and address of facility that provided the used oil for transportation? (279.46(a)(1)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI	N/A	
b) EPA or state identification number of facility that provided the used oil for transportation? (279.46(a)(2)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI	N/A	
c) The quantity of the used oil accepted? (279.46(a)(3)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI	N/A	
d) The date of acceptance? (279.46(a)(4)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI	N/A	
e) Signature of a representative from the facility that provided the used oil for transportation? (279.46(a)(5)(i)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46) (Except for intermediate rail transporters (279.46(a)(5)(ii))	UOA	<input type="checkbox"/>	NI	N/A	
19. Did the used oil transporter keep a record of each shipment of used oil delivered another transporter, burner, processor, disposal facility or exported? (279.46(b) & 279.46(c)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)				<input type="checkbox"/>	NI N/A
a) Name and address of facility that provided the used oil for transportation? (279.46(b)(1) & 279.46(c)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI	N/A	
b) EPA identification number of facility, if applicable, that provided the used oil for transportation? (279.46(b)(2) & 279.46(c)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI	N/A	
c) The quantity of the used oil accepted? (279.46(b)(3) & 279.46(c)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI	N/A	
d) The date of acceptance? (279.46(b)(4) & 279.46(c)) (Rule 812(3) refers to Rule 810 which refers to 40 CFR 279.46)	UOA	<input type="checkbox"/>	NI	N/A	
e) Signature of a representative from the facility that provided the used oil for transportation? (279.46(b)(5)(i) & 279.46(c)) (Rule 812(3) refers to Rule 810; refers to 40 CFR 279.46) (Except for intermediate rail transporters (279.46(a)(5)(ii))	UOA	<input type="checkbox"/>	NI	N/A	
20. Were records maintained for at least three years? (279.46(d)) (Rule 812(3) refers to Rule 810; refers to 40 CFR 279.46)			UOA	<input type="checkbox"/>	NI N/A
21. Did the transporter determine that the used oil transported or stored was not a hazardous waste by either: (Rule 812(4))					
a) Testing the used oil for total halogen?	UOA	<input type="checkbox"/>	NI	N/A	

		YES	NO	NI	N/A
b) Applying knowledge of halogen content in light of the materials or processes used?	UOA	<input type="checkbox"/>		NI	N/A
c) Obtain copies of analyses or other information from generator?	UOA	<input type="checkbox"/>		NI	N/A
22. Were copies of the analysis/information maintained for a period of not less than 3 years? (Rule 812(4))	UOA	<input type="checkbox"/>		NI	N/A
23. Did the used oil transfer facility store used oil in units other than containers or tanks? (Rule 812(5))	UOA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
24. Did the transporter who generated residues for the storage or transport of used oil manage them correctly? (Rule 812(6))	UOA	<input checked="" type="checkbox"/>		NI	N/A

## USED OIL DISPOSAL (Rule 816)

25. Was used oil that cannot be recycled and is being disposed of and is not a hazardous waste managed in accordance with applicable federal and state regulations? (Rule 816(2))	<input checked="" type="checkbox"/>		NI	N/A
26. Was the used oil used as a dust suppressant? (Rule 816(3))	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A

Comments: 18, 19 + 20 reviewed for processor checklist  
 21. no testing done prior to receipt at facility.  
 field

**Attachment A - Response 1.**

Review of total halogen determinations by generator and screening of individual incoming loads by Sybill prior to shipment of uof to Edwards Oil Service. Information provided in Sybill's response is summarized in the table below. Comments on the information follow the table.

Generator Name	Generator EPA ID	Sybill Screening			Generator Characterization		
manifest		date	chlorine results	total halogens	method	date	
YPSI <sup>1</sup>	MID 980 587 893		07142000	1878 ppm	700 ug/g >1,000 PPM >1,000 PPM	SW-846 9253 "on file" "on file"	02012001 05172000 08151999
			04012000	920 ppm			
			03102000	1163 ppm			
			02112000	1062 ppm			
			02042000	640 ppm			
			02032000	728 ppm			
		7448595	02241999	2427			
		7448596	02241999	2421			
		7448597	02241999	2378			
		7448593	02231999	1779			
		7448594	02231999	1872			
		7448591	02221999	2052			
		7448590	01291999	2370			
		7448588	02181999	1572			
		7448589	02181999	2499			
		7448585	02171999	1725			
		7448586	02171999	2147			
		7448587	02171999	-100			
		7448582	02161999	1898			
		7448583	02161999	2051			
		7448584	02161999	2081			
		7448580	multiple	1857			
		7448581	multiple	1862			

		7448578 7448579 7448576 7448577 7448573 7448579 7448575 7448571 7448572 7448570 7448568 7448569 7448567 7448565 7448566 7448562 7448561 7448551 7448560 7448559 7448585	02121999 02121999 02111999 02111999 02101999 02101999 02101999 02091999 02091999 02081999 02051999 02051999 02041999 02031999 02031999 02021999 02011999 01291999 01291999 01281999 01281999	2035 2228 1773 2104 1989 1935 1741 2145 2163 2223 2473 2135 2600 3344 2386 2126 2841 2680 2002 2450 2262	blank	N/A	-19-98
Toledo	OHD 005 041 371	7113593 7113567 7113592 7113565 7113588 7113589 7113591 7113587 7113585 7113586 7113584 7113583 7113581 7113582	0224199902 241999 02231999 02231999 02222999 02222999 02222999 02191999 02181999 02181999 02171999 02161999 mid Feb mid Feb	3996 1256 4283 1230 5840 4952 5725 4907 6462 5963 6972 5119 4727 4060	see below	see below	

		7113580 7113578 7113579 7113576 7113577 7113575 7113573 7113574 7113572 7113571 7113570 7113564 7113564 7113565 7113568 7113562 7113563 7113561	02121999 02111999 02111999 02101999 02101999 02091999 02081999 02081999 02051999 02041999 02031999 02021999 02011999 02011999 02011999 01291999 01291999 01281999	3885 4123 3334 2868 2869 3890 4067 4427 4324 5834 4249 2601 4680 3951 3223 3418 3752 3197			
Lansing	MID 980 700 827	7609822 7609821 7609820 4403831 760481?	0224199902 171999 02091999 02041999 02021999	2563 4814 1246 3215 2794	2200  2100  1561 1013 926 84 851	ASTM D2015 8260/5030 8270/3510 ASTM 2015 8010 Tom King Tom King Tom King Tom King Tom King	02181998 report  03041998 supp. 02172000 02162000 02232000 02032000 01182000

Buick	MID 005 356 712				770 ug/g	SW-846 9253	04262000
					2190	8260, 8015	12062000
		4492297	02241999	1605		? At Sybill	
		4492296	02231999	1517			
		4492295	02221999	1498			
		4492293	02181999	1551			
		4492292	02171999	1861			
		4492291	02161999	1798			
		4492289	mid Feb	1637			
		4492290	mid Feb	1942			
		4497288	02121999	2006			
		4492286	02111999	2158			
		4492287	02111999	2554			
		4492285	02091999	2980			
		4492284	02081999	2694			
		4492282	02051999	2631			
		4492283	02051999	1849			
		4492281	02041999	2156			
		4492280	02041999	1905			
		4492277	02031999	1478			
		4492278	02021999	1469			
		4492275	01291999	1945			
		4492274	01281999	2500			
Delphi	OHD 001 330 442				149 mg/kg	D808	02051996
		7106153 7111478	02191999 mid feb	"Polymer, no oil" 1779	TX not det.	1311,8260,8270 "knowledge"	12012000

GM Powertrain (Toledo, Ohio; see "Toledo")	OHD 005 041 371	mixed ferric	oil sludge	residue	2090 mg/kg TX not det.	No TX method stated, but specific constituents analyzed for priority pollutants with very high D.L.	04261999 04271999
GM Powertrain Saginaw Malleable	MID 005 336 696	7640795	02171999	1651	TX not det.	14 hal.const.	06051998
GM Powertrain Romulus Engine	MID 000 809 905	7111316 7111315 7111322	02221999 02031999 02011999	3213 2948 3017	"Total hazardous halogens"	8021B N.D. 13 hal.haz. const.	05042000
GM MFD Grand Rapids	MID 006 020 408	3046229	02121999	915	860 ug/g	SW-846 9253 (+ TCLP)	09291999
GM Flint V8	MID 005 356 951	4477860 4477859 4477858 4477857 4477856 4477855 4477834 4477853 4477852 4477851 4477850 4477849	02231999 02221999 02181999 02161999 mid-Feb 02111999 02091999 02081999 02041999 02031999 02011999 01281999	2093 3059 2308 1679 1292 1159 2976 1784 1690 1856 1795 1892	840 mg/kg	D4208 (+ TCLP)	02241997

GM PTG Warren	MID 005 356 811				500	gen. waste char. form 9076	03012001  09061994
					500 mg/kg		
		7480094	02231999	1306			
		7480093	02221999	3645			
		7640749	02191999	1798			
		7480091	02181999	1521			
		7480090	02171999	1055			
		7480089	02161999	1545			
		7480088	02121999	1637			
		7480087	02111999	2321			
		7480086	02101999	1269			
		7480085	02091999	1510			
		7488084	02081999	718			
		7480083	02051999	1849			
		7480082	02041999	1611			
		7480081	02031999	1005			
		7480080	02021999	1249			
		7480079	02011999	1420			
		7480078	01291999	1125			
		7480077	01281999	2490			

Rouge Steel Company	MID 087 738 481	tandem	mill	waste oil	no TX	gen waste char	11241999
		WWTP	clarifier	"	TCLP 15+pest	form	11241999
		Hilo	Shop		<1000 ppm	gen waste char	11241999
		Skin	Pass2 MW		TCLP 15+pest	form	11241999
		Metal	Coil cut	Slitter	<1000 ppm	gen waste char	11241999
		Recoil	Welder		TCLP 15+pest	form	11241999
		south HSM	metal coil roughing	fin hyd	<1000 ppm	gen waste char	11241999
		north HSM	mill	hyd and bearings	TCLP 15+pest	form	11241999
		primary	skimmer	WWTP	<1000 ppm	gen waste char	11241999
		brille	tank		TCLP 15+pest	form	11241999
		2ndary	lagoon	WWTP	<1000 ppm	gen waste char	11241999
		7670855			TCLP 15+pest	form	11241999
		7670905			1191	Tom King	03132001
		7670897			1177	Tom King	03072001
		7670805			874	Tom King	03012001
		7670745			1063	Tom King	02142001
		7663156			896	Tom King	02212001
		7575849			1126	Tom King	01082001
		7662788			1004	Tom King	01042000
		7662894	02191999		599	Tom King	12012000
		7080645	02191999	103	898	Tom King	11102000
		7080640	mid Feb	355			
		7617578		-			

GM Powertrain Livonia	MID 000 718 874	4370847 4370846 4370844	02171999 02161999 02111999	322 -1.7896 848	460 460 mg/kg  polymer	gen. ASTM 2015 HVO by 8010 TCLP624/625	07202001 06031998 3/1998 3/1998
GM MFD Grand Blanc	MID 005 356 944	4386274	02171999	780?	<50 blank 465 <50 ppm	gen gen gen 5050 TCLP 15	03062001 01242000 10271998 10301998 10301998

#### YPSI

- 11/7/95 letter indicates no approved plant uses of F001, F002 and that die lubes contain halogenated paraffins.
- 8/1998 generator form TX blank
- 37 out of 38 shipments received from 1/28/99 to 2/24/99 over 1,000 ppm TX
- 8/1999 generator form indicates TX over 1000
- 2/7/2001 analytical reports 700 ug/g total halogens along with PCBs (not detected) and TCLP (non-haz)

While this rebuttal leaves something to be desired (such as more recent info than 4 years old to rebut), Sybill may have relied upon the 11/7/95 letter.

#### Toledo

- 32 out of 32 shipments received from 1/28/99 to 2/24/99 exceed 1,000 ppm TX
- April 1999 analytical for "mixed oil residue" includes a total organic halogen concentration of 2090 mg Cl/kg (no method stated) and priority pollutant analyses with very high detection limits, over 100 ppm for halogenated hazardous constituents
- January 25, 2000 memo to SRS bases rebuttal on chlorinated paraffins and April 1999 analytical
- February 2001 Generator Waste Characterization Report indicates TX over 1,000 ppm

No analytical data or generator statement available for rebuttal at time of shipment to Edwards.

### Lansing

- 2/3/1998 sample contained 2,200 mg/kg TX (method 2015; 2100 mg/kg on another page of same fax), analyzed for volatile organics (8260/5030), TCLP organics (8260/5030, 8270/3510), PCB <20! (8080/3510), halogenated volatile organics (8010)
- 5 out of 5 shipments from 2/2/1999 to 2/24/1999 exceed 1,000 ppm TX and range from 1246 to 4814 ppm TX
- five TX determinations by Tom King for Sybill range from 84 to 1561 from 1/18/2000 to 2/17/2000
- total halogen space on generator waste characterization report dated 2/24/2000 is blank

Supporting analytical is weak due to analytical methods (TCLP) selected. Also, ASTM Method 2015 is "Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter" in Volume 05.05 of ASTM Standard Methods. I could not obtain a copy of this method in the Region 5 library, but I doubt that it could be modified to obtain total halogen results. *Is there a method 2015 under other applicable regulations that might be relevant? Not in SW-846.*

### Buick

- A memorandum dated 5/4/98 states that total halogens are present in excess of 1,000 ppm due to chlorinated paraffins in cutting oil and that the used oil has not been mixed with halogenated hazardous waste.
- 21 of 21 shipments from 1/28/99 to 2/24/99 exceed 1,000 ppm total halogens, ranging from 1469 to 2980.
- a 4/26/00 sample was analyzed using SW-846 method 9253 and a result of 770 ug/g total halogens was reported. Methods 8260, 8015, 8270, and 8082 were also applied with no target analytes detected.
- A 12/4/00 sample was analyzed by Sybill and contained 2190 ppm Cl.

Simply to state that chlorinated paraffins are present does not eliminate the possibility of mixture. The 4/26/00 (770 ug/g) sample is considerably lower than total halogens as reported by Sybill for the shipments received by Sybill. Also, it post-dates the shipments by over one year, making it an unacceptable rebuttal.

### Dephi

- a 2/5/96 sample was determined to contain 149 mg/kg using method D808; halogenated hazardous constituents were not detected using 1311, 8260, and 8270
- two shipments were received from Delphi in 1999 and blended into the fuel sent to Edwards Oil Service, containing 1779 ppm total halogens and undetermined total halogens due to "polymer, no oil"
- a 12/1/2000 letter states that Sandusky Operations (Delphi) does not use any solvent materials that contain F001 or F002 hazardous constituents; a total halogen determination (>1000 ppm) is made based on knowledge that the press lubricant contains chlorinated paraffin additives, 31-35% chlorine by weight.

The shipment blended into fuel (1779 ppm) was not represented by the 2/5/96 sample (149 mg/kg)! It should have been held pending receipt of rebuttal info from Delphi or rejected.

#### GM Powertrain Saginaw Malleable

- a 6/5/98 analysis for the toxicity characteristic reported undetected concentrations for 14 halogenated constituents, but detection limits for individual halogenated constituents are listed as high as 90 and in one instance 180 mg/L. No total halogen determination analytically or indicated on generator waste characterization form
- one shipment was received at 1651 ppm Cl on 2/17/99

This shipment should have been held pending additional generator information or rejected.

#### GM Powertrain Romulus Engine

- three of three shipments received in 2/11/99 to 2/21/99 exceeded 1000 ppm total halogens, ranging from 2948 to 3213.
- the generator waste characterization form dated 5/11/99 (after receipt of shipment) does not include a total halogen determination
- the generator waste characterization form dated May 2000 indicates total halogens are not less than 1,000 ppm
- Lab report for a 5/4/00 sample reports "total hazardous halogens" determined using 8021B as not detected. GC VOA by 8021B has a reporting detection limit of 250 mg/kg for methylene chloride, GCSVOA by 8082 (for PCBs); none of these target analytes were detected.

There is no information to rebut the presumption of mixture for the shipments blended into used oil fuel shipped to Edwards.

#### GM MFD Grand Rapids

- Sybill recorded a 2/12/99 shipment as containing 915 ppm Cl
- 10/6/99 analytical report includes total halogens determined by SW-846 9253 at 860 ug/g. TCLP also run, all targets reported as not detected with dilution and matrix interferences
- the January 2000 generator waste characterization report identifies total halogens as less than 1000 ppm

No rebuttal needed, as all analytical indicates TX < 1000 ppm

#### GM Flint V8

- total halogens determined as 840 mg/kg with method D4208 for sample taken 2/24/1997
- twelve of twelve shipments received from 1/28/99 to 2/23/99 exceed 1000 ppm TX, ranging from 1159 to 3059 ppm Cl in Sybill's analysis
- March 2001 generator waste characterization report indicates TX less than 1000 ppm

The waste characterization sample does not represent the shipments received and blended into fuel; Sybill should have rejected or held these loads pending additional generator information.

ASTM method D4208 is "Test Method for Total Chlorine in Coal by the Oxygen Bomb Combustion/Ion Selective Electrode Method." This method does not resemble any of the total chlorine or halogen test methods developed by U.S. EPA for used oil.

#### GM PTG Warren

- sample collected 2/24/97 contained 840 mg/kg total halogens, using method D4208 and did not contain detectable TCLP halogenated constituents
- seventeen of eighteen shipments received from 1/28/99 to 2/23/99 exceeded 1,000 ppm total halogens, ranging from 718 to 3645 ppm
- sample collected 9/5/2000 did not contain detectable TCLP halogenated constituents
- 3/14/01 generator waste characterization report states halogens are less than 1000 ppm

The sample analyzed before receipt of shipments does not represent the shipments received. Sybill should have rejected or held these loads pending additional generator information.

ASTM method D4208 is "Test Method for Total Chlorine in Coal by the Oxygen Bomb Combustion/Ion Selective Electrode Method." This method does not resemble any of the total chlorine or halogen test methods developed by U.S. EPA for used oil.

#### Rouge Steel Company

- Two of three shipments from Rouge received from mid-February to 2/19/99 were below 1000 ppm total halogens; the third did not include a result
- Sybill submitted generator waste characterization reports dated 11/24/99 for eleven waste streams generated by Rouge. Only the tandem mill report did not identify total halogens as less than 1000 ppm (the space for a total halogen concentration was blank for the tandem mill). Notably, none of the submitted analyses included a report of total halogen determination. All supporting analytical consisted of TCLP (15 constituents along with pesticides)
- five of nine Sybill analyses for Rouge from 11/10/00 to 3/13/01 exceeded 1000 ppm total halogens, with results ranging from 599 to 1191 ppm.

Sybill should have rejected loads with TX >1000 ppm or waited for additional information.

#### GM Powertrain Livonia

- three shipments were received and blended into the shipment to Edwards. All data support TX less than 1000 ppm.

#### GM MFD Grand Blanc

- one shipment received and blended into the shipment to Edwards. All data support TX less than 1000 ppm.



## Attachment B

### Analysis of metals and total halogens in used oil fuel - regulatory background

In the preamble to the final waste-as-fuel rule (November 29, 1985, Federal Register), EPA states, "EPA is aware that digestion procedures specified by SW-846 for sedimentaceous oils prior to metals determinations (i.e., methods 3030 and 3050) do not result in complete digestion and release of metals in some oily matrices. EPA is evaluating revised digestion procedures and anticipates proposing revisions to the procedures in early 1986. In the interim, EPA recommends using digestion method 3050 followed by the determination method appropriate for specific metals (see Table 6). For non-sedimentaceous oils, however, the solvent dissolution procedures of method 3040 may be used in lieu of digestion method 3050" (50 FR 49189). In 1985, the EP Toxicity test was in effect, not the Toxicity Characteristic Leaching Procedure or TCLP. Also, in 1985, the waste-as-fuel rule included hazardous waste fuels (40 CFR 266, Subpart D) and used oil fuel (40 CFR 266, Subpart E).

Also in the preamble to the final waste-as-fuel rule, the U.S. EPA stated that it was verifying the accuracy and precision of two field test kits for total chlorine, an adaptation of the Beilstein flame colorimetric test, and a field test kit using chemical colorimetric procedures. In 1985, the U.S. EPA's test methods manual, SW-846, did not contain an analytical technique for determining total halogens in oil. Until a total halogen technique for oils would be formally added to SW-846 as an approved test, the EPA recommended the broadly accepted ASTM D808-81 method (i.e., oxygen bomb followed by titrimetric halogen determination) (50 FR 49189).

In the preamble to the Toxicity Characteristic final rule (March 29, 1990 Federal Register), EPA writes:

"Under today's rule, used oil will be regulated as a hazardous waste only: (1) If it exhibits one or more of the hazardous waste characteristics defined in subpart C of 40 CFR part 261 (including the TC as finalized today) and (2) if it is disposed of (rather than recycled). On the other hand, used oil that exhibits one or more of the hazardous waste characteristics and is recycled is exempt from regulation (see 40 CFR 261.6(a)(3)(iii)) except as provided in subpart E of 40 CFR Part 266. . . .

- Characteristically hazardous used oil that is being burned for energy recovery is subject to subpart E of part 266—i.e., off-specification used oil is subject to certain administrative requirements, while specification used oil is subject only to the analysis and recordkeeping requirements of 40 CFR 266.43(b)(1) and (6)" (61 FR 11840-11841).

In summary, the TCLP leaching procedure does not apply to used oil fuel because used oil fuel is not land-disposed and the potential risks posed to human health and the environment considered in promulgating the TCLP are not the risks posed by burning used oil fuel. TCLP results are likely to be lower than total metal analyses, due to the analytical difficulty associated with an oily matrix.

On February 21, 1991, EPA published the final rule for 40 CFR 266, Subpart H—Hazardous

Waste Burned in Boilers and Industrial Furnaces (the BIF Rule, 56 FR 7208). On August 27, 1991, EPA published technical corrections to the BIF Rule, including a revision to 40 CFR 266.100(c)(1)(ii) and 266.102(b)(1) to allow the use of methods to characterize the physical or chemical properties of feedstreams other than those prescribed by "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846. The Agency recommended methods for determining chlorine levels in feedstreams:

"Total chlorine may be determined by first combusting the sample according to existing SW-846 methods 9250, 9251, 9252, or proposed SW-846 method 9253. The final gravimetric step in ASTM D808 is not recommended because of poor sensitivity. An option for determining total chlorine in aqueous feedstreams is to analyze according to SW-846 methods 9020 or 9022, and inorganic chloride according to the methods listed above (56 FR 42506). . . . To implement the use of these methods, EPA is revising §§ 266.100(c)(1)(ii) and 266.102(b) to require the owner or operator to use the best available method if SW-846 does not prescribe a method for a particular determination. . . . The Director may reject the use of an alternative method because, at his/her sole discretion, it may not meet or exceed the performance capabilities of the recommended methods" (56 FR 42507).

No helpful reference was made to the existing analysis requirements for marketers of used oil fuel at 40 CFR 266, Subpart E, presumably because SW-846 methods were not required to be used by regulation. In Subpart E, **40 CFR 266.40 Applicability** states in part, "Used oil containing more than 1000 ppm of total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subpart D of part 261 of this chapter. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste, (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of part 261 of this chapter)." Also, a different Division within the Office of Solid Waste was responsible for preparation of the used oil rules than for the BIF rule; the BIF rule preamble focused on hazardous waste fuel.

On September 23, 1991, the U.S. EPA published a Supplemental Notice of Proposed Rulemaking in the Federal Register, announcing the availability of additional data on the composition of used oil and used oil residuals. The U.S. EPA collected the data for use in making its final decision on whether to list some or all used oils as hazardous waste. Public comment was requested on several aspects of the hazardous waste identification program as related to used oil. In making its decision to list some or all used oils as hazardous waste, total halogen concentrations were not considered; only eight organic constituents were analyzed and reported. Also, the U.S. EPA performed metals analyses using a modified TCLP as the basis for the listing decision and identified these test methods for inorganics: SW-846 Method 1311 (TCLP) for filtration, SW-846 Method 3040 (kerosene dissolution) and SW-846 Method 3051 (microwave digestion, HNO<sub>3</sub> only) for sample preparation, and SW-846 Method 6010 (Inductively Coupled Plasma Atomic Emission Spectroscopy) or SW-846 Method 7000 series (Atomic Absorption/graphite furnace). The Agency analyzed used oil filtrate and identified the

analytical results as a “lower bounds for the TCLP final analyte and compositional concentrations” (56 FR 48008). While the Agency did not solicit comments on method modification, the Agency noted that several analytical protocols enumerated in SW-846 required adaptation or modification in order to efficiently analyze for the target analytes found in the used oil matrix (56 FR 48008).

On May 20, 1992, U.S. EPA published a final rule in the Federal Register, announcing its final decision not to list used oils destined for disposal as hazardous waste, based on the finding that all used oils do not typically and frequently meet the technical criteria for listing a waste as hazardous waste. U.S. EPA identified RCRA Subtitle C hazardous waste characteristics (including toxicity determined using the TCLP) as part of the existing network of regulations applicable to used oils destined for disposal (57 FR 21528-21529).

On September 10, 1992, U.S. EPA published a final rule in the Federal Register, promulgating the final no-list decision for used oils that are recycled. This final rule incorporated a “presumption of recycling,” exempting “used oil”(not mixed with hazardous waste) from a hazardous waste determination so long as the used oil is destined for recycling. (See RCRA Online document, FAXBACK 14054.) The preamble to the final rule did not focus on analytical test methods, including one statement in the context of the rebuttable presumption: “EPA is recommending the use of SW-846 method 8010 in rebutting the presumption of mixture” (57 FR 41579). The final regulations, however, state more generally, “Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of part 261 of this chapter)” (e.g., 40 CFR 279.10(b)(1)(ii), at 57 FR 41614).

On June 30, 1993, Science Applications International Corporation, under contract to U.S. EPA, prepared a draft document titled, “Lead in Used Oil Issues Paper: Summary of Six Issues.” In a section titled, “Sources of Lead in Storage;” SAIC wrote that used oil is mixed with transmission fluid and antifreeze in storage. Transmission fluid sampled contained elevated levels of lead; antifreeze may be a contributing factor in the dissolution of particulate lead. SAIC addresses test methods in the context of a three-fold difference (presumably comparing lead concentrations in automotive crankcase oil–unleaded gasoline engines to lead concentrations in automotive oils/fluids–storage tank samples in the Supplemental Notice of Proposed Rulemaking dated September 23, 1991; see Table III.C.3A. on page 56 FR 48009). With respect to test methods, SAIC writes, “The method used for sample analysis (SW-846 Method 6010) detects all forms of lead in a sample. In addition, the sample preparation procedure utilized in the study [published in 1991] probably did not allow all of the lead (especially particulate lead) to be dissolved and subsequently detected” (pages 2 - 3).

Through final rule in the August 31, 1993 Federal Register, EPA amended its hazardous waste regulations under subtitle C of RCRA of 1976, as amended, by substituting the Third Edition for the Second Edition, including Updated I and II, of “Test Methods for Evaluating Solid Waste,

Physical/Chemical Methods,” EPA Publication SW-846. The authority cited for the rulemaking includes Section 3014 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (commonly known as RCRA), as amended. Section 3014 includes provisions of the Used Oil Recycling Act of 1980. The preamble to the final rule identifies regulations requiring use of SW-846 methods. Used oil regulations codified at 40 CFR 279 are not identified, so SW-846 functions as a guidance document. (See 58 FR 46040 - 46041.)

A proposed rule in the August 31, 1993 Federal Register identifies certain testing methods used in complying with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA). The new and revised methods, designated as Update II, are proposed to be added to the Third Edition of “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846. The authority cited includes Section 3014 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (commonly known as RCRA), as amended. Section 3014 includes provisions of the Used Oil Recycling Act of 1980. SW-846 functions as a guidance document setting forth acceptable, although not required, methods to be implemented by the user, as appropriate, in responding to RCRA-related sampling and analysis requirements. (See 58 FR 46052.) With respect to total halogens (e.g., chlorine), EPA proposed a new method to replace ASTM D808, Method 5050 Bomb Combustion for Solid Waste, proposed a new Microwave Assisted Acid Digestion of Sediments, Sludges, Soils, and Oils (Method 3051), proposed 9253, revised 9252, and proposed 3 new test methods for total chlorine in new and used petroleum products (9075, 9076, and 9077). SW-846 continues to evolve, with a November 2000 status table identifying SW-846, Third Edition final updates I, II, IIA, IIB, III, IIIA and draft updates IVA and IVB.

bcc: Author's file (w/o attachments)  
 PPPIS Section Reading File (w/o attachments)  
 Branch Reading File  
 Jeff Gahris, AE-17J (w/o attachments)  
 Karl Karg, C-14J (w/o attachments)

F:\user\sbrauer\usedoil\sybill\3007 SRS 05072001 response review memo.wpd, drafted 05/18/2001SRB

**WASTE MANAGEMENT BRANCH**

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
TYPIST/ AUTHOR	IL/IN/MI SECTION CHIEF	MN/OH/WI SECTION CHIEF	POL. PREV. & SPEC. INTIV SEC. CHIEF	WMB BRANCH CHIEF	WPTD DIVISION DIRECTOR

1. The information submitted as generator waste characterization included a number of analyses (date sampled and Cl in ppm follow) conducted by Tom King of SRS: 07/14/00, 1878 ppm; 04/01/00, 920 ppm; 3/10/00, 1163 ppm; 2/11/00, 1062 ppm; 2/4/00, 640 ppm; 2/3/00, 728 ppm.



MEMORANDUM

DATE:

SUBJECT: RCRA Used Oil - Evaluation of 3007 Response  
Sybill, doing business as SRS Environmental, Inc.  
MIR 000 022 400

FROM: Sue Rodenbeck Brauer, RCRA Used Oil Expert

THROUGH: Karl Bremer, Chief  
Waste Management Branch, WPTD

TO: Joseph M. Boyle, Chief  
Enforcement and Compliance Assurance Branch, WPTD

This memorandum summarizes the technical review of Sybill's response, dated May 7, 2001, to a RCRA Section 3007 information request. Each numbered item below corresponds to the numbered request issued by U.S. EPA in a letter dated March 19, 2001.

1.

Overview

U.S. EPA requested Sybill to provide the analyses for a shipment of used oil fuel claimed to be on-specification for a shipment (of used oil fuel to Edwards Oil Service) prior to Michigan's authorization for 40 CFR Part 279. The federally authorized State regulation corresponds to 40 CFR 266.43 (1986-1992). Total halogens are reported over 1,000 ppm, so U.S. EPA presumes that the used oil has been mixed with a listed, halogenated hazardous waste (40 CFR 266.40(c)). Analysis for TCLP metals was requested by Sybill and reported to Sybill instead of total metals analysis [See Attachment 1 to Sybill's response for the RTI Laboratories, Inc. "Report of Analytical Services" dated March 8, 1999 (7 pages) and the analyses requested (a separate RTI Laboratories form in Attachment 1)]. For fuels, total metals analysis is appropriate because metals are not destroyed through combustion and are emitted at estimated rates averaging 31 to 75% (50 FR 49180, 11/29/85). TCLP regulatory thresholds apply to used oil only when it is destined for disposal [40 CFR 279.10(a) and 40 CFR 279.80 - 279.81(a)] or in instances of mixture with hazardous waste [40 CFR 279.10(b)(2)]. Attachment 2 summarizes the regulatory background for analysis of metals and total halogens in used oil fuel.

### **Rebuttal of EPA's presumption of mixture for one shipment to Edwards Oil Service**

In order to rebut U.S. EPA's presumption of mixture, Sybill presented its waste screening results, including chlorine, for all manifested shipments and the associated "Generator Waste Characterization Report." I organized the data submitted by generator in Attachment A and summarized it below. I also researched test methods that I did not recognize as similar to U.S. EPA SW-846 test methods for used oil. I summarized U.S. EPA's regulatory statements regarding analytical methods and used oil in Attachment B.

In summary, out of thirteen generators, only three (GM MFD Grand Blanc, GM Powertrain Livonia, and GM MFD Grand Rapids) had adequate waste characterization information with respect to halogens. Two (Lansing and YPSI) out of the thirteen had questionable waste characterization information. Eight out of the thirteen had waste characterization information inconsistent with the shipments received. As a result, Sybill cannot fully rebut the used oil presumption of mixture with a halogenated hazardous waste for the shipment sent to Edwards Oil. Also, Sybill's demonstration that the used oil fuel met the specification for metals is questionable because the TCLP was conducted instead of analysis for total metals. However, Sybill did demonstrate that it maintains records of analyses corresponding to outbound shipments in compliance with 279.74 Tracking (prior to June 1, 1999, part of Michigan's authorized equivalent to 40 CFR 266.43(b)(1); see February 8, 1996 Federal Register for authorization).

### **Conclusions**

The U.S. EPA may allege that Sybill's determination of metal concentrations in used oil fuel is inadequate because a leaching procedure was used instead of total analysis, but we would have a very weak case since SW-846 is only guidance and since we do not have our own total metals analyses to compare with Sybill's results. With respect to the total halogens and the U.S. EPA's presumption of mixture, Sybill did not present rebuttals for each generator's used oil wastestream prior to processing at Sybill. Sybill cannot rebut the presumption of mixture, based on the records submitted as its information request response. As the blended fuel shipped to Edwards Oil Service contained total halogens below the specification level of 4,000 ppm, this violation poses a threat to the regulatory program and not necessarily to the environment.

### **Recommendations**

I recommend that the U.S. EPA allege Sybill failed to comply with the hazardous waste BIF rules for management prior to burning found at **40 CFR 266.101 Management prior to burning**. Sybill is not complying with the management standards for hazardous waste treatment, storage, and disposal facilities referenced in 40 CFR 266.101. I recommend a moderate extent of deviation because Sybill presented information to rebut the presumption for some wastestreams blended into the shipment. I recommend moderate-minor potential for harm because the total halogen level in the used oil shipped was below 4,000 ppm (harm to HHE) and because managing hazardous waste as used oil fuel is very damaging to the RCRA regulatory program.

2.

U.S. EPA asked Sybill a) to describe the waste characterization process during the period from June 1, 1999 to March 27, 2000; b) to explain why BS&W was not reported for the listed used oil generators. The period requested begins with Michigan's authorization for the 1992 RCRA used oil management standards and ends with the date of the inspection. Sue Brauer suspected that if Sybill had not conducted BS&W, then other analyses may not have been completed, either. The purpose of the request was to determine compliance with 40 CFR 279.55; specifically, was Sybill following its plan to comply with 40 CFR 279.53 and 279.72?

In response, Sybill presented pages 26 (5-1) to 30 and 49 to 49(i) of Revision 1.40 of the QA/QC Program (without an effective date for these excerpted pages in the response). These pages incorporate Sue Brauer's draft guidance on the RCRA used oil rebuttable presumption. The pages submitted did not exist during the period of inquiry because Sue Brauer provided the draft guidance to Sybill during the multi-media inspection in March 2000.

In conducting the intended 3007 response review, Sue Brauer relied upon the "SRS Environmental QA/QC Program" document provided on March 27, which was verbally claimed as CBI and which is Revision 1.3 dated November 3, 1999. A plan for the period from June 1, 1999 to November 3, 1999 was not identified or supplied. According to the plan (Revision 1.3), "Inbound materials are subjected to the approval process on an annual basis. Full-scale analysis required in Figure 5-C is also necessary when:

- a generator begins a new process or changes an existing process
- In bound materials are received for the first time
- Regulatory changes identification/classification rules"

(page 5-2, Revision 1.3, November 3, 1999). Unfortunately, total halogens were not required by Sybill's plan during the period covered by the request (to the extent it can be determined).

According to Sybill's plan, "This baseline data will be compared to future shipments of inbound material" (page 5-5, Revision 1.3, November 3, 1999). Also according to Sybill's plan, "Figure 5.G indicates the parameters performed on each shipment at SRS Environmental to confirm accurate identification of the inbound material" (page 5-8, Revision 1.3, November 3, 1999). Figure 5.G is titled, "SRS Environmental Fingerprint Analysis Used to Sample Inbound Material" and identifies '% Chlorine' under the "Chemical Parameters" heading. No analytical method for % chlorine is identified in the portions of Sybill's analysis plan applicable to incoming wastes. So, in order to comply with its plan, Sybill should have compared a) % chlorine results for each incoming shipment to b) % chlorine results in the annual waste profile.

In its response, Sybill provided work orders and Generator Waste Characterization Reports, generator analytical data, and Sybill-generated data. The data on those documents is summarized in Attachment C.

## **Conclusions**

Number of shipments or days of shipments from Nelson Metal Products without %chlorine for both waste profile and incoming shipment is # of shipments violating requirement to implement

the plan.

## **Recommendations**

### **Attachment C - Review of Sybill's Response to Request 2**

For Nelson Metal Products, the line following "Halogens: Less than 1000 ppm" is blank on Generator Waste Characterization Reports for 1998, 1999, and 2000. While the waste common name is "waste water," the form dated 12/02/2000 includes additional information. The line after "DOT Shipping Name" is completed with "Water & Soluble Quench Oil." The line after "USEPA Hazardous Waste Code" is completed with a Michigan waste code, "019LN." The State of Michigan regulates "Coolants and Water Soluble Oils" under Part 121 with the waste code "019L." This additional information confirms that this waste stream is a "used oil" as defined by RCRA regulations. Sybill did not provide any analytical determination of total halogens by the generator. In February 2000, SRS started doing Cl (sampled 1/8/2000 and analyzed 1/27/2000, sampled 2/3/2000 and analyzed 2/8/2000, sampled 2/4/2000 and analyzed 2/8/2000, all less than 1,000 ppm) and PCBs. The SRS lab sheets don't specify a method for Cl.

For DOT Detroit at 1301 E. Warren, the line following "Halogens: Less than 1000 ppm" is checked on Generator Waste Characterization Reports for 1999 and 2000. The "Waste Common Name" is "Waste Oil." Sybill provided a copy of an analytical results summary sheet (dated March 8, 1996) attached to correspondence from ACIS Environmental Laboratories, listing Total Halogens with a concentration of 500 PPM. No analytical method for the determination is provided. PCBs are reported as less than the reported detection limits for seven Arochlor mixtures; this sums to a total PCB concentration of less than 4.5 ppm. No SRS analytical results was provided.

For DOT at 1301 E. Warren, the line following "Halogens: Less than 1000 ppm" is completed with "<300 ppm" on the Generator Waste Characterization Reports for 2000 and with "<380" on the Generator Waste Characterization Report for 1999. The "Waste Common Name" is "waste water/oil." Sybill provided a copy of the laboratory analysis summary (dated June 26, 1996); "Parts Wash Pit" is handwritten on the transmittal letter. Total Halogens are listed with a concentration of 380 ppm; no analytical method is reported. PCBs are reported as less than the reported detection limits for seven Arochlor mixtures; this sums to a total PCB concentration of less than 4.5 ppm. No SRS analytical results were presented.

For DOT at 5600 Wabash, the line following "Halogens: Less than 1000 ppm" is blank on the Generator Waste Characterization Report for 2000. The "Waste Common Name" is "Waste Water/Oil." Sybill attached a summary of laboratory analysis from ACIS Environmental Laboratories dated January 10, 1996. Total halogens are not listed. 2,4,5-Trichlorophenol is reported at 200 (mg/l, presumably); chlorobenzene, chloroform, and pentachlorophenol were each reported at 50 (mg/l, presumably). Additional halogenated constituents were detected below TCLP regulatory thresholds. PCBs are reported as less than the reported detection limits for seven Arochlor mixtures; this sums to a total PCB concentration of less than 4.5 ppm. No

SRS analytical presented.

For DOT Detroit at 5149 St. Jean, the line following "Halogens: Less than 1000 ppm" is blank on the Generator Waste Characterization Report for 2000 and is completed with "<400" for 1999. The "Waste Common Name" is "waste oil water." Sybill provided a copy of the laboratory analysis summary, from ACIS Environmental Laboratories, dated January 18, 1996. The cover letter for the laboratory report identifies the sample as "oil/water/sludge/drain waste." Total halogens are reported as 350 ppm; no analytical method is identified. Individual halogenated TCLP constituents were detected below the regulatory threshold concentrations. PCBs are reported at and below MDL [method detection limits]; reported concentrations of Arochlor mixtures sum to 3.5 [units not specified]. A second laboratory report from ACIS Environmental Laboratories is dated January 5, 1996 for a sample of "oil/water/sludge/drain waste." Total halogens are reported at a concentration of 400 ppm; the analytical method is not identified. Again, halogenated TCLP constituents are reported above detection limits but below the TCLP regulatory threshold. For example, 2,4,5-trichlorophenol is reported at 200 (presumably mg/l). PCBs are reported as less than the reported detection limits for seven Arochlor mixtures; this sums to a total PCB concentration of less than 4.5 ppm. The PCB method is not provided, unless TCLP was modified to include Arochlors as target analytes.

For DOT Detroit at 14044 Schaefer, the line following "Halogens: Less than 1000 ppm" is blank on the Generator Waste Characterization Report for 2000 and is completed with "300 ppm" for 1999. The "Waste Common Name" is "waste water & oil." Sybill provided a laboratory report from ACIS Environmental Laboratories without the transmittal letter. The sample date is January 8, 1996. Total halogens are reported as 300 ppm without identification of the analytical method. Individual halogenated TCLP constituents are detected at concentrations below the TCLP regulatory threshold (e.g., 2,4,5-trichlorophenol at 200, M-O- and P-Cresols all at 100). PCBs are reported as less than the detection limits for seven Arochlor mixtures; this sums to a total PCB concentration of less than 4.5 ppm. The PCB method is not provided, unless TCLP was modified to include Arochlors as target analytes. Sybill also provided four copies of completed "Data Summary Sheet[s]" for DOT. For SRS sample number 7698421: the date sampled is January 29, 2000 and the date analyzed is February 1, 2000; Cl is reported as 2264 ppm. For SRS sample number 7698420: the date sampled is January 22, 2000; the date analyzed is January 25, 2000; Cl is reported as 1108. Cl was reported below 1000 ppm for the other two samples. Sybill reported detection limits for Arochlor mixtures 1248, 1060, 1260, 1254, and 1242 as 5.0 ppm; the total PCB detection limit is a sum of 25 ppm.

For Alpha Stamping, the line following "Halogens: Less than 1000 ppm" is blank on the Generator Waste Characterization Report for 1999 and 1998. The "Waste Common Name" is "coolant/water." Sybill provided a laboratory analytical report from Summit Environmental Technologies, Inc. dated October 23, 1997 that reports total halogens at a concentration of 287.6 mg/kg by ASTM D808. Sybill provided its DATA SUMMARY SHEET for SRS Sample Number 7698448, sampled February 1, 2000, analyzed February 2, 2000 and Cl reported as 348.

For Oscar W. Larson Com, the line following "Halogens: Less than 1000 ppm" is completed with a check on the Generator Waste Characterization Report for 1998. The "Waste Common Name" is "used oil." The "USEPA Hazardous Waste Code" is 017L; under Michigan's Part 121 rule, waste number 017L is assigned to Crankcase Oil. Sybill provided laboratory data from Summit Environmental Technologies, Inc. dated November 19, 1997; this did not include a total halogen determination, only TCLP metals. Sybill provided laboratory data from Midwest Analytical Services, Inc. with a completion date of January 15, 1997; this included only PCB results ("N/D") with estimated quantification limits of 1.0 mg/kg for each Arochlor mixture. Sybill provided an undated analytical report from Environmental Waste Control, Inc. showing chlorine at 0.0702%; no analytical method was specified. The latter report provided samples results of "N/D" for PCB analyses using SW-846, Method 8080A.

For GMC - GM Powertrain Group - Liv., the line following "Halogens: Less than 1000 ppm" is completed with "460 ppm" on the Generator Waste Characterization Report for 2000. The line following "Halogens: Less than 1000 ppm" is completed with "460 ppm" on the Generator Waste Characterization Report for 1999. The "Waste Common Name" is "Waste Oil" with processes generating waste including "coolants, washer, oil, and rain water." The "USEPA Hazardous Waste Code" is 021L; under Michigan's Part 121 rules, code 021L is assigned to "Other Oil (Describe in item 11 or Item J [on the DEQ's Uniform Hazardous Waste Manifest])." The "DOT Shipping Name" is waste scum oil. Sybill provided an analytical laboratory report dated April 3, 1998 from Fire & Environmental Consulting Laboratories, Inc. Halogens are reported with a concentration of 460 mg/kg determined by method ASTM 2015 (page 2 of 6). Sybill provided its own Data Summary Sheets. For SRS Sample Number 4870874, sampled February 10, 2000 and analyzed February 29, 2000, Cl was 1467. For SRS Sample Number 4370872, sampled February 4, 2000 and analyzed February 9, 2000, Cl was reported as 228. For SRS Sample Number 7409377, sampled January 18, 2000 and analyzed January 24, 2000, Cl was 856. The other two Data Summary Sheets were for samples outside the time period of inquiry.

For GMC Lansing (LAD), the line following "Halogens: Less than 1000 ppm" is completed with "x" on the Generator Waste Characterization Report for 2000 (signed 8/8/2000) and is completed with an "x" on the Report signed June 16, 1998. The "Waste Common Name" is "6-OILSWTSRS." The "DOT Shipping Name" is "Non Hazardous Waste (used oil)." Sybill provided an Analytical Laboratory Report dated March 14, 2000 prepared by Fire & Environmental Consulting Laboratories, Inc.; halogens were not detected using ASTM D2015. Sybill provided an Analytical Laboratory Report dated April 1, 1997 prepared by Fire & Environmental Consulting Laboratories, Inc.; halogens are reported as <100 by ASTM D2015. Sybill provided its own Data Summary Sheets. For SRS sample number 7616122, sampled January 18, 2000 and analyzed January 24, 2000, Cl was 851. For SRS sample number 7610218, sampled February 3, 2000 and analyzed February 8, 2000, Cl was 84. For SRS sample number 7609814, sampled February 11, 2000 and analyzed February 17, 2000, Cl was reported as 1561. For SRS sample number 2610181, sampled February 16, 2000 and analyzed February 23, 2000, Cl was reported as 1013. For SRS sample number 7610237, sampled February 23, 2000 and

analyzed March 1, 2000, Cl was reported as 926.

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3. Response seems okay, unless they slipped up and missed a generator. Will be easy to check once rest of review completed.

4. Information provided omits review of hazardous waste codes also generated by used oil generator. This is inconsistent with the QA/QC plan, which incorporates the draft guidance recommended protocol.

5. So they ship only from Tank 4? Why are they doing SW-846 Method 9020, "Total Organic Halides"? I suspect that this method was developed for LDR California List wastes . . . Need to check on this. Also, the same method is listed for "chlorine volatile" and "chlorine total" differing analytical results (e.g., <100 ppm and <3300 ppm).

6. Thank you for enclosing photo of Tank 29. A photo of this tank was not included in the April 14, 2000, letter. It was part of the September 2000 response.

7. This says they are using ASTM D4294 for (incoming?) halogen determination (SW-846 9020 only for out-bound fuel??).

8. Preliminary review indicates this is okay.